



# भारत का राजपत्र The Gazette of India

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सं० 31]

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No. 31]

NEW DELHI, SATURDAY, AUGUST 4, 1984/SRAVANA 13, 1906

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके  
Separate paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों द्वारा जारी किये गये सांविधिक आदेश और अधिसूचनाएँ  
Statutory Orders and Notifications issued by the Ministries of the Government of India  
(other than the Ministry of Defence)

वित्त मंत्रालय  
(राजस्व विभाग)

नई दिल्ली, 21 मई, 1984

आयकर

नई दिल्ली, 13 जुलाई, 1984

आदेश

स्टाम्प

का० आ० 2496—आयकर अधिनियम, 1961 (1961 का 43) की धारा 2 के खंड (43 ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केंद्रीय सरकार एतद्वारा आयकर आयुक्त जालंधर को करवपूरी आरक्षण की शक्तियों का भी प्रयोग करने के लिए प्राधिकृत करती है।

[सं० 5804/फा० सं० 398/14/83-आ० सं० (30)]

बी० ई० एल० एंड० एंड०, अधीन सचिव

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 21st May, 1984

INCOME-TAX

SO 2496.—In exercise of the powers conferred by clause (43B) of Section 2 of the Income-tax Act 1961 (43 of 1961), the Central Government hereby authorises the Commissioner of Income-tax, Jalandhar to exercise the powers of Tax Recovery Commissioner also.

[No. 5804/F No. 398/14/83-IF(B)]

B. E. ALEXANDER, Under Secy

का आ 2497.—भारतीय स्टाम्प अधिनियम 1899 (1899 का 2) की धारा 9 की अध्याय (1) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केंद्रीय सरकार एतद्वारा उपर्युक्त का माफ करती है जो सेवा बंधन और वीर के शक्ति विभाग विभाग वि० द्वारा मार्च, 1981 में जारी गठन किये गए वीर के वीर पत्रों के माफ कर दिए गए बन्धनों पर उपर्युक्त अधिनियम के अंतर्गत प्रमाण है।

[सं० 42/84-स्ट-का० सं० 30/1/84-वि० सं०]

New Delhi, the 13th July, 1984

ORDER

STAMPS

SO. 2497.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899) the Central Government hereby remits the duty with which the bonds in the nature of debentures to the value of rupees one crore only issued in March,

1984 by the Economic Development Corporation of Goa, Daman & Diu Limited are chargeable under the said Act

[No. 42/84-Stamp—F. No. 33/1/84-ST]

नई दिल्ली 19 जुलाई 1984

आदेश

स्टाम्प

का० आ० 2498—भारतीय स्टाम्प अधिनियम 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा महाराष्ट्र राज्य वित्तीय निगम को केवल चार लाख पंचाशत् हजार रुपये मूल्य के उपसमेकित स्टाम्प शुल्क की अदायगी की अनुमति देती है जो उक्त निगम द्वारा जारी किए जाने वाले छः सौ साठ लाख रुपये के अंकित मूल्य के ऋणपत्रों के रूप में बंध पत्रों (महाराष्ट्र राज्य वित्तीय निगम 2000 द्वितीय सीरीज) पर स्टाम्प शुल्क के कारण प्रामाण्य है।

[सं 42/84-स्टाम्प-फा० सं 33/38/84]

New Delhi, the 19th July, 1984

ORDER

STAMPS

S.O. 2498.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits the Maharashtra State Financial Corporation to pay consolidated stamp duty of rupees four lakhs and ninety five thousand only chargeable on account of the stamp duty on bonds (Maharashtra State Financial Corporation Bonds 2000 second Series) in the form of debentures of the face value of rupees six hundred and sixty lakhs to be issued by the said Corporation.

[No. 46/84-Stamp—F. No. 33/38/84-ST]

आदेश

स्टाम्प

का० आ० 2499—भारतीय स्टाम्प अधिनियम 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा महाराष्ट्र वित्तीय निगम को केवल तीन लाख 30 हजार रुपये के उपसमेकित स्टाम्प शुल्क की अदायगी करने की अनुमति देती है जो उक्त निगम द्वारा जारी किए जाने वाले चार सौ चालीस लाख रुपये के अंकित मूल्य के ऋण पत्रों के रूप में बंध पत्रों (महाराष्ट्र वित्तीय निगम बंध पत्र 1977) पर स्टाम्प शुल्क के कारण प्रामाण्य है।

[सं 45/84-स्टाम्प-फा० सं 33/35/84]

ORDER

STAMPS

S.O. 2499.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899) the Central Government hereby permits the Maharashtra State Financial Corporation to pay consolidated stamp duty of rupees three lakhs and thirty thousand only, chargeable on account of the stamp duty on bonds (Maharashtra State Financial Corporation Bonds, 1977) in the form of debentures of the face value of rupees four hundred and forty lakhs to be issued by the said Corporation.

[No. 45/84-Stamp—F. No. 33/35/84-ST]

आदेश

स्टाम्प

का० आ० 2500—भारतीय स्टाम्प अधिनियम 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा महाराष्ट्र राज्य वित्तीय निगम, बम्बई को केवल दो लाख छत्तीस हजार और आठ सौ पचहत्तर रुपये मूल्य के उपसमेकित स्टाम्प शुल्क की अदायगी की अनुमति देती है जो उक्त निगम द्वारा जारी किए जाने वाले दो लाख और 50 हजार रुपये के अंकित मूल्य के ऋण पत्रों के रूप में बंध पत्रों (महाराष्ट्र वित्तीय निगम 1998) पर स्टाम्प शुल्क के कारण प्रामाण्य है।

[सं 44/84-स्टाम्प-फा० सं 33/34/84]

ORDER

STAMPS

S.O. 2500.—In exercise of the powers conferred by clause (b) of sub-section (1) of the section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits the Maharashtra State Financial Corporation, Bombay to pay consolidated stamp duty of rupees two lakhs twenty six thousand and eight hundred seventy five only chargeable on account of the stamp duty on bonds (Maharashtra State Financial Corporation Bonds, 1998) in the form of debentures of the face value of rupees three hundred two lakhs and fifty thousand to be issued by the said Corporation.

[No. 44/84-Stamp—F. No. 33/34/84-ST]

आदेश

स्टाम्प

का० आ० 2501—भारतीय स्टाम्प अधिनियम 1899 की धारा 9 की उपधारा (1) के खड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा महाराष्ट्र राज्य वित्तीय निगम, बम्बई को केवल दो लाख सैतलीस हजार और पांच सौ रुपये मूल्य के उपसमेकित स्टाम्प शुल्क की अदायगी की अनुमति देती है जो उक्त निगम द्वारा जारी किये जाने वाले तीन करोड़ तीस लाख रुपये के अंकित मूल्य के वचन पत्रों के रूप में ऋण पत्रों पर स्टाम्प शुल्क के कारण प्रामाण्य है।

[सं 43/84-स्टाम्प-फा० सं 33/3/84]

एन० राजा, उप मन्त्रि

ORDER

STAMPS

S.O. 2501.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits the Maharashtra State Financial Corporation, Bombay to pay consolidated stamp duty of rupees two lakhs forty seven thousand five hundred only, chargeable on account of the stamp duty on the debentures in the form of promissory notes of the face value of rupees three crores thirty lakhs to be issued by the said corporation.

[No. 43/84-Stamp—F. No. 33/3/84-ST]

N. RAJA, Dy Secy.

(व्यय विभाग)

नई दिल्ली, 7 जुलाई, 1984

का आ 2502.—राष्ट्रपति, संविधान के अनुच्छेद 77 के खड (3) के अनुसरण में वित्तीय शक्तियों का प्रत्यायोजन नियम, 1978 का संशोधन करने के लिए निम्नलिखित नियम बानते हैं, अर्थात् -

1. (1) इन नियमों का संक्षिप्त नाम वित्तीय शक्तियों का प्रत्यायोजन (संशोधन) नियम, 1984 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. वित्तीय शक्तियों का प्रत्यायोजन नियम, 1978 (जिसे इसमें इसके पश्चात् उक्त नियम कहा गया है) के नियम 10 के उप नियम (5) के खंड (घ) में "पञ्चोस लाख रुपए" शब्दों के स्थान पर जहाँ कहीं ये आते हैं "पञ्चस लाख रुपए" शब्द रखे जाएंगे।

3. उक्त नियम की अनुसूची 2 में "प्रशासक" शीर्षक के नीचे की प्रविष्टियों के स्थान पर निम्नलिखित प्रविष्टियाँ रखी जाएंगी, अर्थात्:-

- (i) लक्षद्वीप की छोटागर सभी संघ समूह ख, समूह ग और समूह घ राज्य क्षेत्रों के प्रशासक सेवाओं में पद।
- (ii) प्रशासन, लक्षद्वीप समूह घ सेवाओं में पद।

4. उक्त नियमों की अनुसूची 3 में सारणी में "प्रशासक" शीर्षक नीचे की प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टियाँ रखी जाएंगी, के अर्थात्:-

1	2	3
1. अरुणाचल प्रदेश, दिल्ली समूह "क" सेवाओं के किसी भी विनिर्दिष्ट गोवा, दमन और दीव, पद जिनका अधिकतम व अवधि के लिए। मिजोरम, पांडिचेरी और वेतन मान 2000 रु. अन्दमान और निकोबार प्रति मास वेतन में द्वीप समूह अतिरिक्त और जिसका नियुक्ति प्राधिकारी प्रशासक है।	समूह ख, समूह ग और समूह घ सेवाओं में पद। अवधि के लिए।	किसी भी विनिर्दिष्ट अवधि के लिए।
(ii) चण्डीगढ़ वादरा और नाला हवेली समूह 'क' सेवाओं में पद	प्रारम्भ में छह मास से अधिक किसी भी अवधि के लिए जिस के साथ पद को छह मास से अधिक की और अवधि तक बढ़ाने की शक्ति होगी।	किसी भी विनिर्दिष्ट अवधि के लिए।
(ii) लक्षद्वीप समूह ग और समूह व सेवाओं में पद	किसी भी विनिर्दिष्ट अवधि के लिए।	

5. उक्त नियमों की अनुसूची 5 में,—

(क) सारणी के स्थान पर निम्नलिखित सारणी रखी जाएगी, अर्थात्

सारणी	
प्राधिकारी	शक्ति या विस्तार
	आवर्ती
1	2
3	
केन्द्रीय सरकार के विभाग	पूर्ण शक्तियाँ
(i) उपराष्ट्रपति सचिवालय प्रत्येक मामले में 3000 रु. प्रति वर्ष	
(ii) अन्य विभाग प्रशासक	पूर्ण शक्तियाँ 1000 रु. प्रति वर्ष
1313	य 30000 रु. प्रति वर्ष
	मामने 15,000 रु.

केन्द्रीय सरकार के विभागों प्रत्येक मामले में 100 प्रत्येक मामलों में में अधिक सचिवों से अधिक 5. प्रति मास 1000 रु. कार्यालयध्यक्ष

केन्द्रीय सरकार के विभाग प्रत्येक मामले में 100 रु. प्रत्येक मामले में में कार्यालयध्यक्षों के प्रतिमास 1000 रु. रूप में घोषित अवर सचिव

(ख) उपाबंध में,

(i) क्रम संख्या 8 के मामले, स्तम्भ 4 में, खंड (ग) के पश्चात् निम्नलिखित खंड अन्तः स्थापित किया जाएगा, अर्थात् —

(घ) केन्द्रीय सरकार के किसी विभाग द्वारा किसी प्राईवेट पक्षकार से बाबकीत द्वारा, अथवा के साथ या उसके बिना भूमि के सभी प्रस्तावित का चाहे उसके लिए बजट में पूर्ण अनुदान किया गया हो या नहीं और ऐसा अन्य आवाजों के द्वारा सत्रांतर द्वारा नियंत्रित हो, आरम्भिक स्तर पर राज्य सरकार से परामर्श किया जाएगा और सभी स्तरों पर पूर्णरूप से उसे सूचित किया जाएगा। किसी प्राईवेट पक्षकार से अथवा या उसके बिना ऐसी भूमि का प्रयोग करने के लिए सदन प्रस्तावित कीमत की युक्तियुक्तता का कि वह युक्तियुक्त है या नहीं किसी अधिकारी द्वारा जिसकी अधिकारिता के अधीन ऐसी भूमि अवस्थित है और जो जिला मजिस्ट्रेट या जिला कलेक्टर की पक्ष से नीचे का अधिकारी न होगा, मर्यापन और प्रमाणित किया जाएगा। ऐसे अधिकारी द्वारा दिए जाने वाले युक्तियुक्तता प्रमाणपत्र पर अतिरिक्त बंध यह कारण दर्शाते करेगा कि अवन के साथ या उसके बिना भूमि की कीमत की शुद्धता की बाबत वह अपने निर्णय पर किस प्रकार पहुँचेगा।

(ii) क्रम संख्या 12(iii) के मामले, स्तम्भ 3 में "5,000" और "1000" अंकों के स्थान पर क्रमशः "7,500" और "2,000" अंक रखे जाएंगे,

(iii) क्रम संख्या 14 के मामले स्तम्भ 4 में, पैरा 2 में,—

(क) "10,000" "2,000" और "1,000" अंकों के स्थान पर क्रमशः "25,000" "5,000" और "2,000" अंक रखे जाएंगे।

(ख) निजी प्रसिद्धि का माध्यम से निष्पादित मुद्रण और जिन्दगाजी के काम की लागत प्रकाशनों पर व्यय शीर्षक के प्रति विकल्पित की जाएगा। मुद्रण निदेशक द्वारा वरों के अनुमोदन को आवश्यकता नहीं है। "आवक का लोप किया जाएगा;"

(i) क्रम संख्या 21 (ख) के मामले, स्तम्भ (4) के पैरा 2 में, "25,000" अंक के स्थान पर "50,000" अंक रखा जाएगा।

6. अनुसूची 6 में, सारणी में "प्रशासक" शीर्षक के नीचे खंड (1) में और चण्डीगढ़ शब्दों के स्थान पर "चण्डीगढ़ और अन्दमान और निकोबार द्वीप समूह" शब्द रखे जाएंगे।

7. उक्त नियमों की अनुसूची 7 में सारणी में,

- (i) "स्टोर या लोक शत की वसूलीय शक्तियाँ" प्रविष्टि के स्थान पर स्तम्भ 2 में, "पञ्चस" शीर्षक के नीचे, मद (i) में "अर मिजोरम" शब्दों के स्थान पर, "मिजोरम और अन्दमान और निकोबार द्वीप समूह" शब्द रखे जाएंगे, और
- (ii) "अभिलेख की शक्ति या वसूलीय शक्तियाँ" उपाध या अतिरिक्त प्रविष्टि के मामले "प्रशासक" शीर्षक के नीचे मद (1) में "मिजोरम" शब्दों के स्थान पर, मिजोरम, और अन्दमान और निकोबार द्वीपसमूह" शब्द रखे जाएंगे।

टिप्पण वित्तीय शक्तियों का प्रत्यायाजन नियम, 1978 अधिसूचना स  
का आ 2131 तारीख 22 जुलाई 1978 द्वारा प्रकाशित किए  
गए, तत्पश्चात् निम्नलिखित द्वारा संशोधन किया गया।

- 1 अधिसूचना स का आ 1897, तारीख 9-6-1979
- 2 अधिसूचना स का आ 2942, तारीख 1-9-1979
- 3 अधिसूचना स का आ 2611, तारीख 4-10-1980
- 4 अधिसूचना स का आ 2164 तारीख 15-8-1981
- 5 अधिसूचना स का आ 2304, तारीख 5-9-1981
- 6 अधिसूचना स का आ 3073, तारीख 4-9-1982
- 7 अधिसूचना स का आ 4171 तारीख 11-12-1983
- 8 अधिसूचना स का आ 1314 तारीख 26-2-1983

[स का 1 (10)—ई II (10/83)]

ने पुन मंत्रालय, अर्थ मंत्रालय

(Department of Expenditure)

New Delhi, the 7th July, 1984

S O 2502 —In pursuance of clause (3) of article 77 of the Constitution of India the President hereby makes the following rules further to amend the Delegation of Financial powers Rules, 1978, namely —

1 (i) These rules may be called the delegation of Financial powers (Amendment) Rules, 1984

(2) They shall come into force on the date of their publication in the Official Gazette

2 In rule 10 of the Delegation of Financial Powers Rules, 1978 (hereinafter referred to as the said rules), in sub-rule (5), in clause (d), for the words "rupees twenty-five lakhs" wherever they occur, the words "rupees fifty lakhs" shall be substituted

3 In Schedule II to the said rules in the Table, for the entries under the heading 'Administrators' the following entries shall be substituted, namely —

"(i) Administrators of all the Union Territories excluding Lakshadweep Posts in Group B, Group C and Group D Services

(i) Administrator Lakshadweep Posts in Group D Services,"

4 In Schedule III to the said rules in the Table, for the entries under the heading 'Administrators', the following entries shall be substituted, namely —

1	2	3
"(i) Arunachal Pradesh, Delhi, Goa, Daman and Diu, Mizoram, Pondicherry and the Andaman and Nicobar Islands	Posts in Group A Services, the maximum of whose scale of pay does not exceed Rs 2,000/- per month and to which the Administrator is the appointing authority	For any specified period
	Posts in Group B Group C and Group D Services	For any specified period

1	2	3
(i) Chandigarh and Daman Nagar Haveli	Posts in Group A Services	Initially for any period not exceeding six months with power to extend the post by not more than a further period of six months
	Posts in Group B Group C and Group D Services	For any specified period
(ii) Lakshadweep	Posts in Group C and Group D Services	For any specified period

5 In Schedule V to the said rules, —

(a) for the Table, the following Table shall be substituted, namely —

"TABLE

Authority	Extent of Power	
	Recurring	Non-recurring
Department of the Central Government		
(i) Vice Presidents Secretariat	Rs 3,000 per annum in each case	Full powers
(ii) Other Departments Administrators	Full powers	Full powers
Head of Departments	Rs 3,000 per annum in each case	Rs 15,000 in each case
Heads of Offices other than Under Secretaries in the Departments of the Central Government	Rs 100 per month in each case	Rs 1,000 in each case
Under Secretaries in the Departments of the Central Government declared as Heads of Offices	Rs 100 per month in each case	Rs 1,000 in each case",

(b) in the Annexure, —

(i) against serial number 8, in column 4, after clause (c), the following clause shall be inserted, namely —

(d) All purchases of land either with or without building proposed by any department of Central Government from a private party by negotiation whether or no the Department has been given separate budget grant which is not controlled by the Ministry of Works and Housing for such purchase, the State Government shall be consulted at the initial stage and kept fully informed at all stages. The reasonableness of the price proposed to be paid for purchase of such land, with or without building, from a private party shall be got verified and certified as reasonable by an officer not below the rank of District Magistrate or District Collector or under whose jurisdiction such land is located. The reasonableness certificate to be accorded by such officer shall preferably indicate the reasons leading to their conclusion about the correctness of the price of land, with or without building".

- (i) against serial number 12 (iii), in column 3, for the figures "5,000" and "1,000", the figures "7,500" and "2,000" shall respectively be substituted;
- (iii) against serial number 14, in column 4, in paragraph 2,—
- (a) for the figures "10,000", "2,000" and "1,000", the figures "25,000", "5,000" and "2,000" respectively shall be substituted;
- (b) the sentence "The cost of printing and binding job executed through private agencies shall be debited against the Head of expenditure on Publications." shall be omitted;
- (iv) against serial number 21(B), in column 4, in paragraph (2), for the figures "25,000", the figures "50,000" shall be substituted.

6. In Schedule VI to the said rules, in the Table, under the heading "Administrators" in clause 'i', for the words "and Chandigarh"; the words "Chandigarh; and the Andaman and Nicobar Islands" shall be substituted.

7. In Schedule VII to the said rules, in the Table:

- (i) against the entry "Irrecoverable losses of stores of public money", in column 2, under heading "Administrators", in item (i) for the words "and Mizoram," the words "Mizoram; and the Andaman and Nicobar Islands." shall be substituted; and
- (ii) against the entry "Loss of revenue or irrecoverable loans and advances", under the heading "Administrators" in item (i) for the words "and Mizoram.", the words "Mizoram; and the Andaman and Nicobar Islands" shall be substituted.

Note :—

The Delegation of Financial Powers Rules, 1978 published vide Notification No. S.O. 2131, dated July 22, 1978. Subsequently been amended by :—

- (i) Notification No. S.O. 1887, dated 9-6-1979.
- (ii) „ No. S.O. 2942, dated 1-9-1979.
- (iii) „ No. S.O. 2611, dated 4-10-1980.
- (iv) „ No. S.O. 2164, dated 15-8-1981.
- (v) „ No. S.O. 2304, dated 5-9-1981.
- (vi) „ No. S.O. 3073, dated 4-9-1982.
- (vii) „ No. S.O. 4171, dated 11-12-1982.
- (viii) „ No. S.O. 1314, dated 26-2-1983.

[No. F. 1(10)-E.II(A)/83]

K.L. MEHTA, Under Secy

(अर्थ विभाग)

नई दिल्ली, 17 जुलाई, 1984

का. अ. 2503—केन्द्रीय सरकार, मित्ता-निर्माण अधिनियम, 1906 (1906 का 3) की धारा 15-क द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए,

- (i) 31-12-1984 में, मसूदा जॉर्ज एक्ट्स के चित्र वाले
- (क) शुद्ध निकल के रूप के सभी सिक्के,
- (ख) शुद्ध निकल के आधे रूप के सभी सिक्के,
- (ग) शुद्ध निकल के चौथाई रूप के सभी सिक्के, वापस लेती है, और

- (ii) यह निदेश देती है कि उक्त तारीख को और में, उक्त सिक्के, जैसा इसके पश्चात् विनिर्दिष्ट है उसके सिवाय, वैध निविदा नहीं रहेंगे —

- (न) उक्त सिक्के, भारतीय रिजर्व बैंक, के ग्रहमशावाद बालोर, भुवनेश्वर, मुम्बई (फोर्ट और वाइकुला) कलकत्ता, गोहाटी, हैदराबाद, जयपुर, कानपुर, मद्रास, नागपुर नई दिल्ली, पटना और त्रिवेन्द्रम स्थित कार्यालयों में, भारतीय स्टेट बैंक अधिनियम, 1955 के अधीन गठित भारतीय स्टेट बैंक की किसी शाखा में, भारतीय स्टेट बैंक (ममनुषगी बैंक) अधिनियम, 1959 की धारा 2 के खंड (ट) में यथा परिभाषित किसी ममनुषगी बैंक में बैंककारी कंपनी (उपसमो का अर्जन और अन्तर्गण) अधिनियम, 1970 की धारा 2 के खंड (घ) में यथा परिभाषित किसी तत्स्थानी नए बैंक में बैंककारी कंपनी (उपसमो का अर्जन और अन्तर्गण) अधिनियम, 1980 की धारा 2 के खंड (ख) में यथा परिभाषित किसी तत्स्थानी नए बैंक में, या किसी सरकारी खजाने और उस खजाने में, तारीख 30 जून, 1985 तक वैध निविदा बने रहेंगे,

- (ख) उक्त सिक्के, भारतीय रिजर्व बैंक के ग्रहमशावाद, दगलोर, भुवनेश्वर, मुम्बई (फोर्ट और वाइकुला) कलकत्ता, गोहाटी, हैदराबाद, जयपुर, कानपुर, मद्रास, नागपुर, नई दिल्ली, पटना और त्रिवेन्द्रम स्थित निर्माण विभाग के कार्यालयों में अगली सूचना तक वैध निविदा बने रहेंगे।

[म एफ 1/37/82-स्वायत्त]

(Department of Economic Affairs)

New Delhi, the 17th July, 1984

S.O. 2503.—In exercise of the powers conferred by section 15A of the Coinage Act, 1906 (3 of 1906), the Central Government hereby—

- (i) calls in with effect from the 31st December, 1984.
- (a) all pure nickel rupee coins;
- (b) all pure nickel half-rupee coins;
- (c) all pure nickel quarter-rupee coins, with the effigy of King George VI; and
- (ii) directs that, on and from the said date, the said coins shall cease to be legal tender save to the extent hereafter specified—

- (a) the said coins shall continue to be legal tender at offices of Reserve Bank of India at Ahmedabad, Bangalore, Bhubaneswar, Bombay (Fort and Byculla), Calcutta, Gauhati, Hyderabad, Jaipur, Kanpur, Madras, Nagpur, New Delhi, Patna and Trivandrum, any branch of the State Bank of India constituted under the State Bank of India Act, 1955, any subsidiary bank as defined in clause (k) of section 2 of the State Bank of India (Subsidiary Banks) Act, 1959, any corresponding new bank as defined in clause (d) of section 2 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, any corresponding new bank as defined in clause (b) of section 2 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 or any Government Treasury and sub-treasury upto the 30th June, 1985;
- (b) the said coins shall continue to be legal tender at offices of, the Issue Department of the Reserve Bank of India at Ahmedabad, Bangalore, Bhubaneswar, Bombay (Fort and Byculla), Calcutta, Gauhati,

Hyderabad, Jaipur, Kanpur, Madras, Nagpur, New Delhi, Patna and Trivandrum until further notice.

[No. F. 1/37/82-Coin]

का० आ० 2504—केन्द्रीय सरकार, सिक्का-निर्माण अधिनियम 1906 (1906 का 3) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, यह अवधारित करती है कि निम्नलिखित मूल्य वर्ग के सिक्के भी केन्द्रीय सरकार के प्राधिकार के अधीन जारी किए जाने के लिए, एकसाल से बनाए जाएंगे और इस प्रकार के सिक्के निम्नलिखित विमात्रा, डिजाइन और धातु संरचना के अन्तर्गत होंगे, अर्थात्:—

सिक्के का मूल्य वर्ग	आकार और बाहरी व्यास	दाने की संख्या	धातु संरचना
50 पैसे	वृत्ताकार 24 मिमी	205	तांबा-निकेल युक्त तांबा-75 प्रतिशत निकेल-25 प्रतिशत

#### डिजाइन —

मुख्य भाग —सिक्के के इस भाग पर अक्षरक स्मृति का निम्न गुम्बज होगा जिसके नीचे द्वितीय में "सत्यमेव जयते" मार वाक्य अक्षरों द्वारा और अक्षरक स्मृति की दाईं और बाईं ओर "भारत" और "इंडिया" शब्द क्रमशः हिंदी और अंग्रेजी में अंकित होंगे। उक्त निम्नलिखित भारतीय कला शैली में परिचित होंगे।

पृष्ठ भाग—सिक्के के इस भाग पर सिक्के का निर्माण वर्ष और सिक्के का अक्षरक मूल्य "50" अंतरंगीय पंक्ति में अंकित होगा और "पैसे" शब्द हिंदी में बायीं ओर और अंग्रेजी में "Paise" दाहिनी ओर अंकित होंगे। उक्त व्योरे भारतीय कला शैली में परिचित होंगे।

[स० का० 1/32/83-स्वायत्त (i)]

S.O. 2504:—In exercise of the powers conferred by section 6 of the Coinage Act, 1906 (3 of 1906), the Central Govt hereby determines that the coins of the following denomination shall also be coined at the Mint for issue under the authority of the Central Government and that such coins shall conform to the following dimension, design and metal composition, namely:—

Denomination of the Coin	Shape and outside diameter	Number of serrations	Metal Composition
50 Paise	Circular 24 millimetric	205	Cupro-Nickel Copper-75 % Nickel-25 %

#### Design

##### Obverse :

This face of the coin shall bear the Lion Capital of Ashoka Pillar, with the legend "सत्यमेव जयते" inscribed in Hindi below it and the words "भारत" and "INDIA" inscribed on

the left and right hand sides of the Ashoka Pillar in Hindi and English respectively. The said details shall be encircled in Indian Art Motif design.

##### Reverse :

This face of the coin shall bear the denomination value '50' in international numerals with the year underneath and the words "पैसे" in Hindi on the left hand side and "Paise" in English on the right hand side. The said details shall be encircled in Indian Art Motif design.

[No. F. 1/32/83-Coin(ii)]

का० आ० 2505—केन्द्रीय सरकार, सिक्का-निर्माण अधिनियम, 1906 (1906 का 3) की धारा 7 के साथ पठित धारा 21 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, निम्नलिखित नियम बनाने हैं, अर्थात्:—

1. संक्षिप्त नाम और प्रारम्भ : (1) इन नियमों का संक्षिप्त नाम सिक्का निर्माण (गोलाकार 50 पैसे के सिक्के का जिनका तांबा 75 प्रतिशत और निकेल 25 प्रतिशत है, मानक वजन और उपचार) नियम 1984 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. अनुज्ञात मानक वजन और उपचार सिक्का-निर्माण अधिनियम, 1906 (1906 का 3) की धारा 6 के उपबन्धों के अधीन दालि गए गोलाकार 50 पैसे के सिक्के का जिनका तांबा 75 प्रतिशत और निकेल 25 प्रतिशत है, मानक वजन और ऐसे सिक्के के बनाने में अनुज्ञात उपचार बना होना जा नीचे की सारणी में विनिर्दिष्ट है:—

सांख्यिकी		अनुज्ञात उपचार	
सिक्के का मूल्य वर्ग	मानक वजन	संरचना में	मानक वजन में
		तांबा और निकेल दोनों के लिए 1/1000वां भाग प्रति या ऋण पर्यंत	चरित वजन
50 पैसे	5 ग्राम	तांबा 74 प्रतिशत से 76 प्रतिशत तक और निकेल 24 प्रतिशत से 26 प्रतिशत तक हो सकेगा।	1/40वां भाग प्रति या 5.1125 ग्राम से 4.875 ग्राम तक हो सकेगा।

[स० का० 1/32/83-स्वायत्त (ii)]

सी० जी० पथरोज, प्रवर सचिव

S.O. 2505:—In exercise of the powers conferred by sub-section (1) of Section 21, read with section 7, of the Coinage Act 1906 (3 of 1906), the Central Government hereby makes the following rules, namely:—

1. Short title and commencement : (1) These rules may be called the Coinage (Standard Weight and Remedy of round shape coins of 50 Paise containing Copper 75 per cent and Nickel 25 per cent) Rules, 1984.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Standard weight and remedy allowed :—The standard weight of the round shape coin of 50 paise containing copper 75 per cent and Nickel 25 per cent, coined under the provisions of section 6 of the Coinage Act, 1906 (3 of 1906) and the remedy

allowed in the making of such coins shall be as specified in the Table below—

TABLE

Denomination of the coin	Standard weight	Remedy allowed	
		In composition	In standard weight
50 Paise	5 grammes.	1/100th plus or minus for both Copper and Nickel, that is to say, copper could vary from 74% to 76% and Nickel from 24% to 26%.	1/40th plus or minus, that is to say the weight could vary from 5.1125 grammes to 4.875 grammes.

[No. F. 1/32/83-Coin(ii)]

C. G. PATHROS., Chief Secy.

आर्थिक कार्य विभाग

(बैंकिंग प्रभाग)

नई दिल्ली, 30 मई, 1984

का. आ. 2506:—प्रादेशिक ग्रामीण बैंक अधिनियम 1976 (1976 का 21) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा भारत सरकार के तत्कालीन राज्य और बैंकिंग विभाग (बैंकिंग स्कंध) के कां० प्रा० 564 (अ) सं. एफ - 4-46-76-अ. सी. (1), दिनांक 24 अगस्त 1976 की अधिसूचना में निम्न लिखित संशोधन करती है। अर्थात्—

उपर्युक्त अधिसूचना में “नांदेड परभणी और और उमगावाबाद जिनो” शब्दों के स्थान पर “नांदेड परभणी और उमगावाबाद और लातूर” शब्द रखे जाएंगे।

[सं. एफ. 10(24)/80-आर. आर. बी०]

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 30th May, 1984

S.O. 2506.—In exercise of the powers conferred by sub-section (1) of Section (3) of the Regional Rural Banks Act 1976 (21 of 1976) the Central Government hereby makes the following amendment in the notification of the Government of India in the then Department of Revenue and Banking (Banking Wing) S.O. 564(F) (No. F. 4-46/76-AC(1) dated 24th August, 1976 namely,

In the said notification for the words “districts of Nanded Parbhani Bhir and Osmanabad” the words “districts of Nanded Parbhani Bhir Osmanabad and Latur” shall be substituted.

[No. F. 10(24)/80-RRB]

नई दिल्ली 12 जुलाई, 1984

का. आ. 2507—प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 11 की उपधारा (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा श्री भवनेश्वर सिंह को सर्वोपस्थी ग्रामीण बैंक, बह्राच का अध्यक्ष नियुक्त करती है तथा 2-6-84 से आरम्भ होकर 31-5-1987 को समाप्त होने वाली अवधि को उस अवधि के रूप में निर्धारित करती है जिसके दौरान श्री भवनेश्वर सिंह अध्यक्ष के रूप में कार्य करेंगे।

[संख्या एफ० 2-62/82 आर. आर. बी.]

New Delhi, the 12th July, 1984

S.O. 2507.—In exercise of the powers conferred by sub-section (1) of section 11 of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government hereby appoints Shri Bhuvaneshwar Singh as the Chairman of the Sarvasthi Gramin Bank, Bahraich and specifies the period commencing on the 2-6-1984 and ending with the 31-5-1987 as the period for which the said Shri Bhuvaneshwar Singh shall hold office as such Chairman.

[No. F. 2-62/82-RRB]

का. आ. 2508 प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 11 की उपधारा (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा श्री बी. एम. सिंह को हरियाणा क्षेत्रीय ग्रामीण बैंक भिवानी का अध्यक्ष नियुक्त करती है तथा 1-6-1984 से आरम्भ होकर 30-5-1987 को समाप्त होने वाली अवधि को उस अवधि के रूप में निर्धारित करती है जिसके दौरान श्री बी. एम. सिंह अध्यक्ष के रूप में कार्य करेंगे।

[संख्या एफ० 2-3/81-आर. आर. बी०]

एस० एस० हसूरकर, निदेशक

S.O. 2508.—In exercise of the powers conferred by sub-section (1) of section 11 of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government hereby appoints Shri B. M. Singh as the Chairman of the Haryana Kshetriya Gramin Bank, Bhiwani and specifies the period commencing on the 1-6-1984 and ending with the 30-5-1987 as the period for which the said Shri B. M. Singh shall hold office as such Chairman.

[No. F. 2-3/81-RRB]

S. S. HASURKAR, Director

नई दिल्ली, 17 जुलाई, 1984

का. आ. 2509—निक्षेप बीमा तथा प्रत्यय गारंटी निगम अधिनियम, 1961 (1961 का 47) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिज़र्व बैंक से परामर्श करके आर. एतद्वारा निक्षेप बीमा तथा प्रत्यय गारंटी निगम की प्राधिकृत पूंजी को पहली मई, 1984 से पचास करोड़ रुपये में बढ़ाकर पचास करोड़ रुपये करती है।

[संख्या एफ. 6/1/81-बी. ओ.-I]

New Delhi, the 17th, July, 1984

S.O. 2509.—In exercise of the powers conferred by sub-section (1) of section 4 of the Deposit Insurance and Credit Guarantee Corporation Act, 1961 (47 of 1961), the Central Government, in consultation with the Reserve Bank of India, hereby increases with effect from the 1st day of May, 1984, the authorised capital of the Deposit Insurance and Credit Guarantee Corporation from fifteen crores of rupees to fifty crores of rupees.

[No. F. 6/1/81-BO.I]

नई दिल्ली, 19 जुलाई, 1984

का. आ. 1510.—निम्न बोसा और प्रथम गारंटी निगम प्रतिनियम, 1961 (1961 का 47) की धारा 6 की उपधारा (1) के खण्ड (उ.) के उपबंधों के अनुसरण में, केन्द्रीय सरकार भारतीय रिजर्व बैंक के पदमर्श से एतद्द्वारा श्री हरेकृष्ण सामल, एट पीओ. आंकी, जिला कटक (उड़ीसा) को 19 जुलाई, 1984 से प्रारम्भ होने वाली दो वर्ष की अवधि के लिए निम्न बोसा और प्रथम गारंटी निगम के निदेशक के रूप में नियुक्त करती है।

[नक़्का एफ. 6/1 83-बी. ओ.-1]

च० बा० मरिचन्दानी, निदेशक

New Delhi, the 19th July, 1984

S.O. 2510.—In pursuance of the provisions of clause (e) of sub-section (1) of section 6 of the Deposit Insurance and Credit Guarantee Corporation Act, 1961 (47 of 1961), the Central Government, in consultation with the Reserve Bank of India, hereby nominates Shri Harekrishna Samal, At P.O. Banki, Distt. Cuttack (Orissa), as a Director of the Deposit Insurance and Credit Guarantee Corporation for a period of two years with effect from July 19, 1984.

[No. F. 6/183-BO.1]

C. W. MIRCHANDANI, Director

केन्द्रीय उत्पाद शुल्क और सीमा शुल्क बोर्ड

नई दिल्ली, 4 अगस्त, 1984

सं० 208/84/सीमा शुल्क

का. आ. 2511.—केन्द्रीय उत्पाद शुल्क और सीमा शुल्क बोर्ड, सीमा शुल्क अधिनियम, 1962 (1962 का 52) की धारा 9 द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए मध्य प्रदेश राज्य नीलाखी बीड औद्योगिक क्षेत्र, मऊमी मार्ग, जिला उज्जैन को भाण्डागार स्टेशन घोषित करता है।

[का.म. 473/209/83-सीमाशुल्क VII]

टी. एच. के. गोरी, अवसरमन्त्रिक

## CENTRAL BOARD OF EXCISE AND CUSTOMS

New Delhi, the 4th August, 1984

No. 208/84-Customs

S.O. 2511.—In exercise of the powers conferred by section 9 of the Customs Act, 1962 (52 of 1962), the Central Board of Excise and Customs hereby declares Naulakhi Beed Industrial Area, Maksi Road, District Ujjain, in the State of Madhya Pradesh to be a warehousing station.

[F. No. 473/209/83-CUS. VII]

T. H. K. GHOURI, Under Secy.

रक्षा मंत्रालय

(वित्त प्रभाग)

नई दिल्ली 13 जुलाई, 1984

का. आ. 2512.—केन्द्रीय सरकार, राजभाषा (मश के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में रक्षा मंत्रालय (वित्त प्रभाग) के रक्षा लेखा विभाग के निम्नलिखित कार्यालयों का, जिसके कर्मचारीवृत्त ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है।

क्रम संख्या कार्यालयों के नाम

- | 1 | 2   |
|---|---|
| 1 | क्षेत्रीय लेखा कार्यालय जयपुर।                      |
| 2 | कार्यालय, स्थानीय लेखा परीक्षा अधिकारी (व) अहमदनगर। |

3 कार्यालय, स्थानीय लेखा परीक्षा अधिकारी, बडोदा।

4 लेखा अधिकारी, ग्रोहृत मुख्यालय, बम्बई।

5 कार्यालय, रक्षा लेखा नियंत्रक अन्य श्रेणी सेन्ट्रल, नागपुर।

6 वेतन लेखा कार्यालय (अन्य श्रेणी) ग्रीनडियर्स, जबलपुर।

7 क्षेत्रीय लेखा कार्यालय, विशाखापत्तनम।

8 कार्यालय, अधीक्षक नौ सेना स्थानीय लेखा परीक्षा, पोर्ट ब्लेयर।

9 कार्यालय, नौ सेना स्थानीय लेखा परीक्षा, अधिकारी कोचीन।

10 कार्यालय, अधीक्षक, नौ सेना स्थानीय लेखा परीक्षा, गोवा।

11 वेतन लेखा कार्यालय (अन्य श्रेणी) 58 गोरखा प्रशिक्षण केन्द्र, शिलांग।

12 वेतन लेखा कार्यालय (अन्य श्रेणी) अवम रेजिमेन्ट केन्द्र, शिलांग।

13 वेतन लेखा कार्यालय (अन्य श्रेणी) 11 गोरखा राईफल्स रेजिमेन्ट केन्द्र, लखनऊ।

14 वेतन लेखा कार्यालय (अन्य श्रेणी) पैरा रेजिमेन्ट, आगरा।

15 यू. ए. जी. ई. पश्चिम इलाहाबाद।

16 यू. ए. जी. ई. चकराता।

17 यू. ए. जी. ई. मैमोरा।

18 यू. ए. जी. ई., टेकोट्टोम।

19 यू. ए. जी. ई. (पी) रायपुर, वेहरादून।

20 यू. ए. जी. ई., फैजाबाद।

21 यू. ए. जी. ई., जम्मू।

22 यू. ए. जी. ई. 6350 द्वारा 56 सैनिक डाकघर।

23 यू. ए. जी. ई. 5239 ई. डब्ल्यू.एस. द्वारा 56 सैनिक डाकघर।

24 स्थानीय लेखा परीक्षा अधिकारी (बी) ए. ओ. (बी. आर.) पठानकोट।

25 कार्यालय, रक्षा लेखा नियंत्रक (कैन्टीन) (मण्डार विभाग) बम्बई।

26 कार्यालय, स्थानीय लेखा परीक्षा अधिकारी, शिवड़ी, बम्बई।

27 वेतन लेखा कार्यालय (अन्य श्रेणी) ई. एम. ई. सिकन्दराबाद।

28 वेतन लेखा कार्यालय (अन्य श्रेणी) रिस्कीज ग्रुप, ए. एम. सी. (एम. टी.) श्रीरंगाबाद।

[सं० ई-11011/2/84/हिन्दी, दिनांक 13-7-84]

प्रेम नाथ, महायुक्त वित्तीय नालाहकार (स्थापना)

## MINISTRY OF DEFENCE

(Finance Division)

New Delhi, the 13th July, 1984

S.O. 2512.—In pursuance of sub-rule (4) of rule 10 of the Official Language (Use for Official Purposes of the Union) Rules, 1976, the Central Government hereby notifies the following Offices of the Defence Accounts Department, of the Ministry of Defence (Finance Division), staff whereof have acquired working knowledge of Hindi:—

Sl. No. Name of the Office

- | 1  | 2   |
|----|---|
| 1. | Area Accounts Office, Jaipur.                                       |
| 2. | Office of Local Audit Officer (E), Ahmednagar.                      |
| 3. | Office of Local Audit Officer, Baroda.                              |
| 4. | Accounts Officer, Embarkation Hqrs., Bombay.                        |
| 5. | Office of the Controller of Defence Accounts (ORs) Central, Nagpur. |
| 6. | Pay Accounts Office (ORs) Grenadiers, Jabalpur.                     |
| 7. | Area Accounts Office, Vishakhapatnam.                               |
| 8. | Office of Supdt. Naval Local Audit, Port Blair.                     |
| 9. | Office of Naval Local Audit Officer, Cochin.                        |



10. Office of Supdt., Naval Local Audit, Goa
11. Pay Accounts Office (ORs) 58 Gorkha Training Centre, Shillong.
12. Pay Accounts Office (ORs) Assam Regimental Centre, Shillong.
13. Pay Accounts Office (ORs) 11 Gorkha Rifles Regimental Centre, Lucknow.
14. Pay Accounts Office (ORs) Para Regiment Area.
15. U.A.G.E. (West) Allahabad.
16. U.A.G.E., Chakrata.
17. U.A.G.E., Maimora.
18. U.A.G.E., Tankodrame.
19. U.A.G.E., (P) Raipur, Dehradun.
20. U.A.G.E., Faizabad.
21. U.A.G.E., Jammu.
22. U.A.B.E.Q., 6350 C/o 56 APO:
23. U.A. C.F.E., 5239 E.W.S. C/o 56 A.P.O.
24. Local Audit Officer (B)/A.O. (B.R.), Pathankot.
25. Office of the Controller of Defence Accounts (C.S.D.) Bombay.
26. Office of the Local Audit Officer, Sewai, Bombay.
27. Pay Accounts Office (ORs) E.M.E. Secundrabad.
28. Pay Accounts Office (ORs) Release Group A.S.C. (M.T.) Aurangabad.

[No. F. 11011/2/84-IIindi]

PREMNATH, Assistant Financial Adviser (E)

**राष्ट्रीय मंत्रालय**

(टेक्मटाइल विभाग)

नई दिल्ली, 26 जुलाई, 1984

का० प्रा० 2513.—केन्द्रीय सरकार, सरकारी स्थान (अप्राधिकृत अधिभोगियों को बंदखानी) अधिनियम, 1971 (1971 का 10) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, नीचे की सारणी के स्तंभ (1) में उल्लिखित अधिकारी, को, जो सरकार के राजपत्रित अधिकारी की पंक्ति के समतुल्य नियुक्त करती है, जो उक्त सारणी के स्तंभ (2) की तरफ़ाती प्रविष्टि में विनिर्दिष्ट सरकारी स्थानों की श्रावत अपनी अधिकारिता की स्थानीय सीमाओं के भीतर उक्त अधिनियम द्वारा या उसके अधीन संगत अधिकारी को प्रदत्त शक्तियों का प्रयोग करेगा और उस पर अधिरोपित कर्तव्यों का पालन करेगा।—

**सारणी**

अधिकारी का पद नाम	सरकारी स्थानों के प्रयोग और अधिकारिता की स्थानीय सीमाएं
1	2
कंपनी सचिव, एलमिन मिल कंपनी लिमिटेड, कानपुर	कानपुर स्थित एलमिन मिल कंपनी लिमिटेड के प्रशासनिक नियंत्रण के अधीन स्थान।

[काइल सं० 22/9/84-डब्ल्यू० टी०]

जे० के० बागची, संयुक्त सचिव

**MINISTRY OF COMMERCE**

(Department of Textiles)

New Delhi, the 26 th, July, 1984.

S.O. 2513:—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the officer mentioned in column (1) of the Table below being Officer equivalent to the rank of a Gazetted Officer of Government to be Estate Officer for the purposes of the said Act, who shall exercise the powers conferred and perform the duties imposed on Estate Officers by or under the said Act within the local limits of his jurisdiction in regard to the public premises specified in the corresponding entry in column (2) of the said Table :—

Table

Designation of Officer	Category of Public Premises and local limits of jurisdiction
(1)	(2)
Company Secretary, Elgin Mills Co. Ltd., Kanpur.	Premises under the administrative control of Elgin Mills Co. Ltd., at Kanpur.
	[File No. 22/9/84-W.T.]
	J. K. BAGCHI, Jt. Secy.

मुख्य नियंत्रक, आयात निर्यात का कार्यालय

नई दिल्ली, 4 जुलाई, 1984

**आदेश**

का० प्रा० 2514—श्री ए. एम. देवानायागाम, 51, रिश्मन्ट रोड, बंगलोर-25 को टोयोटा फोरोला 1977 माडल, 1200 सी. सी. कार, बेसिस नं. के. ई. 50-770573 के आयात के लिए 50,000/-रु का सीमा शुल्क निकासी परमिट सं. पी/जे 0390627 / एन. / एम. पी. / 83 / एन / 82 दिनांक 12 मई, 1982 प्रदान किया गया था। आदेशक ने उपर्युक्त सीमा शुल्क निकासी परमिट की अनुतिथि प्रति के लिए इस आधार पर आदेश दिया है कि मूल सीमा शुल्क निकासी परमिट खो गया है। आगे यह भी बताया है कि मूल सीमा शुल्क निकासी परमिट किसी भी सीमा शुल्क प्राधिकारी के पास पंजीकृत नहीं करवाया गया था और सीमा शुल्क निकासी परमिट को बिल्कुल उपयोग में नहीं लाया गया था।

2 अपने तर्कों के समर्थन में लाईसेंसधारी ने उपर्युक्त न्याय प्राधिकारी के सम्मुख विधिवत शपथ लेकर एक शपथ पत्र दाखिल किया है। तदनुसार मैं संतुष्ट हूँ कि मूल सीमा शुल्क निकासी परमिट सं. पी/जे 0390627 दिनांक 12-5-1982 आदेशक से खो गया है। समय समय पर यथा संगोषित आपात (नियंत्रण) आदेश, 1955 दिनांक 7-12-1955 की उप-धारा-9(सीसी) के अंतर्गत प्रदत्त अधिकारों का उपयोग करते हुए श्री ए. एम. देवानायागाम के नाम में जारी किए गए उक्त मूल सीमा शुल्क निकासी परमिट सं. पी. जे० 0390627 दिनांक 12-5-1982 को एनद्वारा रद्द किया जाता है।

3 पार्टी को सीमा शुल्क निकासी परमिट की एक अनुतिथि प्रति अलग से जारी की जा रही है।

[संख्या ए-588 / 81-82/बी एन. एस / 973]

एन. एस. कृष्णामूर्ति उप मुख्य नियंत्रक, आयात-निर्यात

## MINISTRY OF COMMERCE

(Office of the Chief Controller of Imports and Exports)

New Delhi, the 4th July, 1984

## ORDER

S.O. 2514.—Shri A. S. Dayanayagam, 51, Richmond Road, Bangalore-25 was granted a Customs Clearance Permit No. P/J/0390627/N/MP/83/H/82 dated the 12th May 1982 for Rs. 50,000 only for import of Toyota Corolla 1977 Model 1200 CC Car Chassis No. EK 50-770373. The applicant has applied for issue of Duplicate copy of the above mentioned Customs Clearance Permit on the ground that the original CCP has been lost. It has further been stated that the original CCP was not registered with any Customs authority and that the CCP has not been utilised at all.

2. In support of this contention, the licensee has filed an affidavit, duly sworn before appropriate judicial authority I am accordingly satisfied that the original CCP No. P/J/0390627 dated 12-5-1982 has been lost by the applicant. In exercise of the powers conferred under Sub-Clause 9(cc) of the Import (Control) Order 1955 dated 7-12-1955, as amended from time to time, the said original CCP No. P/J/0390627 dated 12-5-1982 issued to Shri A. S. Devanayagam is hereby cancelled

3. A duplicate copy of the Customs Clearance Permit is being issued to the party separately.

[No. A-588/81-82/BLS/973]

N. S. KRISHNAMURTHY, Dy. Chief Controller of Imports &amp; Exports

## विदेश मंत्रालय

नई दिल्ली, 19 जुलाई, 1984

का० आ० 2515—राजनयिक एवं कोसली अधिकारी (रायष एवं शुल्क) अधिनियम, 1948 की धारा 2 के खड (क) के अनुपालन में केन्द्र सरकार, इसके द्वारा लीलोवे (मालावी) स्थित भारतीय उच्चायोग में निजी सहायक श्री कुलदीप सिंह को 6 जुलाई, 1984 से कोसली एजेंट का कार्य करने के लिए प्राधिकृत करती है।

[स० टी० 4330/2/84]

बी एस निडर, अवर सचिव (कोसलर)

## MINISTRY OF EXTERNAL AFFAIRS

New Delhi, the 19th July, 1984

S.O. 2515—In pursuance of the clause (a) of Section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (41 of 1948), the Central Government hereby authorise Shri Kuldeep Singh, Personal Assistant in High Commission of India, Lilongwe (Malawi) to perform the duties of Consular Agent with effect from 6th July, 1984.

[No. T. 4330/2/84]

B. S. NIDDER, Under Secy.

## उद्योग मंत्रालय

## औद्योगिक विकास विभाग

नई दिल्ली, 17 जुलाई, 1984

## आदेश

का० आ० 2516.—आई डी० आर० ए०/84केन्द्रीय सरकार विकास परिषद् (प्रक्रिया) नियम, 1953 के नियम 2, 4 और 5 के साथ पठित

उद्योग (विकास और विनियमन अधिनियम, 1957 (1957 का 65) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए निम्नलिखित व्यक्तियों को इस आदेश के राजपत्र में प्रकाशन की तारीख से दो वर्ष की अवधि के लिए खाद्य प्रसंस्करण उद्योगों के विनिर्माण या उत्पादन में जाने हुए अनुसूचित उद्योग विकास परिषद् के सदस्यों के रूप में नियुक्त करती है, अर्थात् -

## 1 अध्यक्ष

डा० के टी आचार्य,  
विज्ञान परिषद्, और औद्योगिक अनुसंधान के प्रतिष्ठित वैज्ञानिक  
राष्ट्रीय वैमानिकी अनुसंधानशाला  
पोस्ट बैग नं० 1779  
बंगलूर-560017

## सदस्य

## 2 श्री कैलाश नाथ

मैसर्स हरनारायण गोपीनाथ  
खारी बावली,  
बिस्ली

## 3 श्री जी. एन. रामचन्द्र,

मैसर्स किसान प्रोडक्ट्स लिमिटेड,  
पुराणा महान मार्ग,  
बंगलूर।

## 4 श्री कमलजीत सिंह,

मैसर्स बीमको लिमिटेड  
मकॅन्टाईल बिल्डर्स  
रामजीसाई कमानी मार्ग,  
वेलाई एस्टेट, मुम्बई-400038

## 5 श्री टी बी वेडेकर

प्रबन्ध निवेशक  
बी पी वेडेकर एण्ड सन प्राईवेट लिमिटेड,  
56 तात्या घरपुरे पथ,  
मुम्बई-400004

## 6 हिमाचल प्रदेश हार्टीकल्चर प्रोड्यूसर्स मार्केटिंग एण्ड प्रोसेसिंग कारपोरेशन लिमिटेड, शिमला का एक प्रतिनिधि

## 7 जम्मू कश्मीर कृषि उद्योग निगम श्रीनगर का एक प्रतिनिधि।

## 8 श्री के के जी मेनन,

प्रधान, अनुसंधान केन्द्र  
मैसर्स हिन्दुस्तान लीवर लिमिटेड बकला,  
अधेरी (पूर्व) मुम्बई।

## 9 श्री एन. बीजराम सेट्टी

प्रबन्ध निवेशक  
मैसर्स क्यालिडी फूड प्रोडक्ट्स लिमिटेड,  
मैसूर रोड,  
बंगलूर।

## 10 अध्यक्ष

गोलेर फालोर मिस्त,  
फेडरेशन आफ इंडिया,  
604 दीपशिखा भवन,  
राजेन्द्र प्लेस,  
नई दिल्ली -110008

11. श्री जे. सी. शाह,  
मैक्सिम, सोसाइटी आफ इंडियन बैंकर्स  
द्वारा मनिता बैंकिंग मिगम,  
बोम्बे मुम्बई ।
12. श्री एचि बाहू,  
मैक्सिम फूड स्पेशलिस्ट्स लिमिटेड,  
एम-5 ए, कनाट सर्कस,  
नई दिल्ली-110001
13. माइन्स फूड इन्डस्ट्रीज इंडिया लिमिटेड,  
25 बी शायिंग क्षेत्र  
पश्चिम मार्ग, बसंत विहार, नई दिल्ली का एक प्रतिनिधि ।
14. रवि सुन्दरान्न  
मैक्सिम इण्डियन कोकोआ प्रोसेसिंग लिमिटेड,  
मैडवर्, हाउस,  
19 बी, बेवाई रोड,  
मुम्बई-400026
15. श्री एच शाह,  
महाप्रबन्धक  
मैक्सिम कैरा डिस्ट्रिक्ट को-ऑपरेटिव मिल्स प्रोड्यूसर्स यूनियन  
लिमिटेड,  
धानन्, गुजरात
16. निदेशक,  
केंद्रीय खाद्य तकनीकी अनुसंधान  
संस्थान, मैसूर-570013
17. निदेशक (खाद्य और कृषि)  
भारतीय मानक संस्थान, मानक भवन,  
बहादुरशाह जफर मार्ग, नई दिल्ली ।
18. निदेशक (प्रसंस्करण)  
खाद्य विभाग  
कृषि भवन,  
नई दिल्ली ।
19. सचिव,  
केंद्रीय खाद्य मानक समिति  
स्वास्थ्य सेवाओं का महाविशालय,  
निसर्ग भवन,  
नई दिल्ली ।
20. निदेशक (खाद्य)  
विकास आयुक्त (सधु उद्योग) का कार्यालय  
निसर्ग भवन,  
नई दिल्ली ।
21. प्रबन्ध निदेशक,  
उत्तर प्रदेश हाटिकल्चरल प्रोड्यूस मार्केटिंग  
एण्ड प्रोसेसिंग कारपोरेशन लिमिटेड,  
22 बिघाल सभा मार्ग,  
लखनऊ
22. श्री रामगोपाल  
मैक्सिम वेल्गा फूड्स लिमिटेड,  
म्यासनगर  
बृवाउन-243601

23. संयुक्त सचिव या भारसाधक निदेशक  
खाद्य प्रसंस्करण उद्योग  
औद्योगिक विकास विभाग  
उद्योग भवन,  
नई दिल्ली ।

मदल्य सचिव

24. औद्योगिक सलाहकार / अतिरिक्त औद्योगिक सलाहकार खाद्य  
और विज्ञान प्रधान, तकनीकी विकास महाविशालय, उद्योग भवन,  
नई दिल्ली ।

[फा० सं० 1 (23)/80 - सी. आई०]

वी० मुरारी, अपर सचिव

## MINISTRY OF INDUSTRY

(Department of Industrial Development)

New Delhi, the 17th July, 1984

### ORDER

S.O. 2516.—In exercise of the powers conferred by section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1965), read with rules 2, 4 and 5 of the Development Council (Procedural) Rules, 1952, the Central Government hereby appoints, for a period of two years, on and from the date of publication of this Order in the official Gazette, the following persons to be members of the Development Council for scheduled industries engaged in the manufacture or production of Food Processing Industries namely :—

### CHAIRMAN :

1. Dr. K. A. Acharya,  
Emeritus Scientist of the Council of Scientific and  
Industrial Research,  
National Aeronautical Laboratory,  
Post Bag No. 1779,  
Bangalore-560017.

### MEMBERS :

2. Shri Kailash Nath,  
M/s. Harnain Gopinath,  
Khari Baoli,  
Delhi.
3. Shri G. S. Ramachandra,  
M/s. Kissan Products Ltd.,  
Old Madras Road,  
Bangalore.
4. Shri Kamaljit Singh,  
M/s. WIMCO Limited,  
Mercantile Chambers,  
Ramjibhai Kamani Marg,  
Ballard Estate,  
Bombay-400038.
5. Shri T. V. Bedekar,  
Managing Director,  
V. P. Bedekar & Sons Pvt. Ltd.,  
56, Taty Gharpure Path,  
Bombay-400004.
6. A representative of Himachal Pradesh,  
Horticulture Produce Marketing &  
Processing Corporation Limited,  
Simla.
7. A representative of J&K Agro-  
Industries Corporation,  
Srinagar.

8. Shri K.K.G. Menon,  
Head, Research Centre,  
M/s. Hindustan Lever Ltd.,  
Chakala,  
Andheri (East),  
Bombay.
9. Shri N. Vajram Setty,  
Managing Director,  
M/s. Kwality Food Products Ltd.,  
Mysore Road,  
Bangalore.
10. The Chairman,  
Roller Flour Millers' Federation of India,  
604, Deep Shikha Building,  
Rajendra Place,  
New Delhi-110008.
11. Shri J. C. Shah,  
Secretary, Society of Indian Bakers,  
C/o Monita Baking Corporation,  
Worli, Bombay.
12. Shri Ravi Wahi,  
M/s. Food Specialities Limited,  
M-5-A, Copnought Circus,  
New Delhi-110001.
13. A representative of Modern Food  
Industries India Limited,  
25-B Shopping Centre,  
Paschimi Marg, Vasant Vihar,  
New Delhi.
14. Shri Ravi Sundararajan,  
M/s. Hindustan Cocoa Products Limited,  
Cadbury House,  
19 B. Desai Road,  
Bombay-400026.
15. Shri V. H. Shah,  
General Manager,  
M/s. Kalra District Cooperative  
Milk Producers' Union Limited,  
Anand, Gujarat.
16. Director,  
Central Food Technological Research Institute,  
Mysore-570013.
17. Director (Food and Agriculture),  
ISI, Manak Bhavan,  
Bahadur Shah Zafar Marg,  
New Delhi.
18. Director (Processing),  
Department of Food,  
Krishi Bhavan,  
New Delhi.
19. Secretary,  
Central Committee for Food Standards  
Directorate General of Health Services,  
Nirman Bhavan,  
New Delhi.
20. Director (Food),  
Office of the Development Commissioner (Small  
Scale Industries),  
Nirman Bhavan,  
New Delhi.
21. The Managing Director,  
U. P. State Horticultural Produce Marketing  
and Processing Corporation Limited,  
22, Vidhan Sabha Marg,  
Lucknow.
22. Shri Ram Gopal,  
M/s. Welga Foods Limited,  
Shiam Nagar,  
Budaun-243601.
23. Joint Secretary or Director in-charge of,  
Food Processing Industry,  
Department of Industrial Development,  
Udyog Bhavan, New Delhi.

## MEMBER SECRETARY :

24. Industrial Adviser/Additional Industrial Adviser,  
Food and Fermentation Division,

Directorate General of Technical Development,  
Udyog Bhavan, New Delhi.

[File No. 1/23/80-C. II]

P. MURARI, Addl. Secy.

## ऊर्जा मंत्रालय

(विद्युत विभाग)

नई दिल्ली, 12 जुलाई, 1984

क्र० आ० 2517.—केन्द्र सरकार एतद्वारा यह अधिसूचित करती है कि व्यास परियोजना/व्यास निर्माण बोर्ड केन्द्र सरकार का अंग/हिस्सा है। यह 1 अक्टूबर, 1967 से प्रभावी है।

[सं. 2/4/83-बी. (जी. एण्ड बी.)]

बी. के. सूद, उप सचिव

## व्याख्यात्मक ज्ञापन

दिनांक 1-10-1967 की अधिसूचना के जरिए व्यास परियोजना का प्रबन्ध और नियंत्रण व्यास निर्माण बोर्ड को दिया गया था, अतः इस अधिसूचना को 1 अक्टूबर, 1967 से पूर्व प्रभावी बनाया जा रहा है। इस अधिसूचना के पूर्व प्रभावी रूप में जारी करने से किसी भी सरकारी कर्मचारी पर प्रतिकूल प्रभाव पड़ने की सम्भावना नहीं है।

## MINISTRY OF ENERGY

(Department of Power)

New Delhi, the 12th July, 1984

## ORDER

S.O. 2517.—The Central Government hereby notifies that Beas Project/Beas Construction Board is a limb/part of the Central Government. This is effective from 1st October, 1967.

[No. 2/4/83-D(B&B)]

V. K. SOOD, Dy. Secy.

## EXPLANATORY MEMORANDUM

The notification is being given retrospective effect from 1st October, 1967, when the management and control of Beas Project passed on to Beas Construction Board through a notification dated 1-10-1967. No Government servant is likely to be adversely affected by the issue of the notification with retrospective effect.

(पेट्रोलियम विभाग)

नई दिल्ली, 16 जुलाई 1984

क्र० आ० 2518.—यह केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में अकलेखर बरोडा गैस लाईन से जो. एन. जी. सी. कालोनी पेट्रोलियम के परिवहन के लिये पाईपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यह यह प्रतीत होता है कि ऐसी लाईन को बिछाने के प्रयोजन के लिये एतद्वारा अधिसूची में वर्णित भूमि में उपयोग का अधिकार प्रजित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

अर्थात् कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, वडोदरा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिगत हो या किसी विधि व्यवसायी की मार्फत।

#### अनुसूची

अंकलेश्वर-बारोडा से ओ. एन. जी. सी. तक पाइपलाइन बिछाने के लिए।

राज्य-गुजरात	जिला-भरुच	तालुका-अंकलेश्वर
गांव	सं. तं.	हेक्टेयर एम्प्राई सेन्टीयर
वीबी	142	0 16 25
	139	0 09 75
	133	0 18 85
	134/1	0 09 10

[स. 0-12016/81/84-ओ. एन. जी. सी.-4]

(Department of Petroleum)

New Delhi, the 16th July, 1984

S.O. 2518.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Ankleswar-Baroda Gas Line to ONGC Colony in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto.

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodra (390009).

And every person making such an objection shall also state specially whether he wishes to be heard in person or by legal practitioner.

#### SCHEDULE

Pipeline From Ankleswar-Baroda Gas Line to ONGC Colony

State : Gujarat	District : Bharuch	Taluka : Ankleshwar		
Village	Survey No.	Hectare	Are	Centiare
DIVI	142	0	16	25
	139	0	09	75
	133	0	18	85
	134/1	0	09	10

[No. O-12016/81/84-ONG-D-4]

का० आ० 2519.—अतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में हुसीरा-बरेली से जगदीशपुर तक पेट्रोलियम के परिवहन के लिए पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और अतः यह प्रतीत होता है कि ऐसी लाइनों की बिछाने के प्रयोजन के लिये एतद्वारा अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

अर्थात् कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, वडोदरा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करनेवाला हर व्यक्ति विनिर्दिष्ट यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिगत हो या किसी विधि व्यवसायी की मार्फत।

#### अनुसूची

हुसीरा-बरेली से जगदीशपुर तक पाइपलाइन बिछाने के लिए।

राज्य-गुजरात	जिला : वडोदरा	तालुका : हुसीरा
गांव	सं. तं.	हेक्टेयर एम्प्राई सेन्टीयर
1	2	3 4 5
धुबाडी	462	0 03 52
	463	0 22 88
	464	0 13 12
	460	0 45 28
	459	0 00 48
	435	0 05 12
	441	0 35 68
	455	0 16 48
	456	0 00 24
	454	0 05 60
	442	0 25 44
	447	0 13 44
	445	0 00 08
	446	0 13 36
	490	0 05 76
	491	0 11 68
	492/3	0 00 32
	492/2	0 09 44
	979	0 02 72
	496	0 09 12
	495	0 09 92
	494	0 14 88
	497	0 04 64
	504	0 02 24
	631	0 32 16
	632	0 15 64
	633	0 03 04

1	2	3	4	5
हुजारी जरी	943	0	02	88
	949	0	30	00
	987/1	1	10	24
	987/31	0	55	36
	987/5	0	52	00
	987/4	0	45	28

[स O-12016/76/84-ओ.एन.जी.-सी-4]

S.O 2519.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Hajira-Bareilly to Jagdishpur in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto.

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodara (390 009).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

## SCHEDULE

Pipeline from Hajira-Bareilly to Jagdishpur

State : Gujarat	District Badodara	Taluka : Dabhoi		
Village	Survey No.	Hectare	Are	Centi-are
	2	3	4	5
THUVAVI	462	0	03	52
	463	0	22	88
	464	0	13	12
	460	0	45	28
	459	0	00	48
	435	0	05	12
	441	0	35	68
	455	0	16	48
	456	0	00	24
	454	0	05	60
	442	0	25	44
	447	0	13	44
	445	0	00	08
	446	0	13	36
	490	0	05	76
	491	0	11	68
	492/3	0	00	32
	492/2	0	09	44
	979	0	02	72
	496	0	09	12
	495	0	09	92
	494	0	14	88
	497	0	04	64
	504	0	02	24
	631	0	32	16
	632	0	15	64

1	2	3	4	5
THUVAVI—Contd	633	0	03	04
	943	0	02	88
	949	0	30	00
	987/1	1	10	24
	987/31	0	55	36
	987/5	0	52	00
	987/4	0	45	28

[No. O-12016/76/84-ONG-D-4]

का० भा० 2.20—यह केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में हुजारी से बरेली से जगदीशपुर पेट्रोलियम के लिये पाइपलाइन लेन तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यह प्रतीत होता है कि ऐसी ज़ादनों को बिछाने के प्रयोजन के लिए एतद्पादक अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रवर्तन शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्द्वारा जोषित किया है।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए आशेष सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और वेजलाल प्रभतग, मकरपुरा रोड, बडोदरा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आशेष करने वाला हर व्यक्ति विनिश्चित यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिगत हो या किसी विधि व्यवसायी की सफ़रत।

## अनुसूची

हुजारी-बरेली से जगदीशपुर तक पाइपलाइन बिछाने के लिए।

राज्य-गुजरात	जिला - बडोदरा	तालुका - डभोई		
गांव	ब्लॉक न	हक्टेयर	एकड़	सेन्टीयर
1	2	3	4	5
सेजपुरा	192	0	11	36
	193	0	22	56
	191	0	44	00
	196	0	00	48
	203	0	21	92
	187	0	26	40
	186	0	49	12
	173	0	09	76
	185	0	04	04
	205	0	30	56
	कार्ट ट्रेक	0	03	36
	206/बी	0	05	76
	209	0	10	48
	208	0	04	96
	210	0	09	92
	212	0	09	92
	218	0	03	84
	217	0	03	32
	216	0	23	04

1	2	3	4	5
सेजपुरा—जारी	211	0	01	44
	222/पी	0	66	96
	239	0	36	96
	243/पी	0	21	28
	244	0	14	72
	कार्ट ट्रैक	0	05	60
	कोटार	0	03	68

[स. O-12016/74/84-ओ.एन.जी.-4]

S.O. 2520.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Hajira-Bareilly to Jagdishpur in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto.

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodara (390 009).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

#### SCHEDULE

Pipeline from Hajira to Bareilly to Jagdishpur				
State : Gujarat District : Vadodara Taluka : Talasari				
Village	Block No.	Hectare	Are	Centi-are
1	2	3	4	5
SEJPURA	192	0	11	36
	193	0	22	56
	191	0	44	00
	196	0	00	48
	203	0	21	92
	187	0	26	40
	186	0	49	12
	173	0	09	76
	185	0	04	04
	205	0	30	56
	Cart track	0	03	36
	206/P	0	05	7
	209	0	10	48
	208	0	04	96
	210	0	09	92
	212	0	09	92
	218	0	03	84
	217	0	03	32
	216	0	23	04
	221	0	01	44
	222/P	0	66	96
	239	0	36	96
	243/P	0	21	28
	244	0	14	72
	Cart track	0	05	60
	Kotari	0	03	68

[No. O-12016/74/84-ONG-D-4]

का० प्रा० —यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में एन० के० ई० सी० से एन० के०-82 तक पेट्रोलियम के परिवहन के लिए पाइपलाइन जोख तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिये एतद्वारा अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खानज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना अभय एतद्वारा घोषित किया है।

अतः कि उक्त भूमि में हितवन्त कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप संक्षेप प्राधिकारी, जोख तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बड़ोदरा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिगत हो या किसी विधि विधि व्यवसायी की मार्फत।

#### अनुसूची

एन० के० ई० सी० से एन० के० 82 तक पाइप लाइन बिछाने के लिए।  
राज्य—गुजरात जिला—अहमदाबाद तालुका—बिरमगाम

गांव	सर्वे. न.	हेक्टेयर	एम्आई	सेन्टीयर
बालसामण	77/1	0	04	32
	79/2	0	02	28
	83/2	0	15	24
	83/1	0	01	80
	83/3	0	06	24
	84/1	0	08	88

[स० O-12016/82/84-ओ.एन.जी.-4]

S.O. 2521.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from NKBC to NK-82 in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto.

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodara (390 009).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

## SCHEDULE

Pipeline From N K E C To NK-82

State : Gujarat District : Ahmedabad Taluka : Vrangam

Village	Survey No	Hectare	Acre	Centi-are
BALSASAN	77/1	0	04	32
	79/2	0	02	28
	83/2	0	15	24
	83/1	0	01	80
	83/3	0	06	24
	84/1	0	08	98

[No. O-12016/82/84-ONG-D-4]

का० आ० 2522—यह केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में हजीरा-बरेली से जगदीशपुर तक पेट्रोलियम के परिवहन के लिए पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतद्वाक्य अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

वर्षों कि उक्त भूमि में हितवन्त कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप मक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और रखरखाव प्रभाग, मकरपुरा रोड, वडोदरा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिश्चित यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी मुनबार्ड व्यक्तिगत हो या विश्वि व्यवसायी की सार्फत।

## अनुसूची

हजीरा-बरेली से जगदीशपुर तक पाइपलाइन बिछाने के लिए।

राज्य :- गुजरात	जिला :- वडोदरा	तालुका :- बागोडीया		
गाँव	सर्वे. नं.	हेक्टेयर	एम्प्राई	सेन्टीयर
बेसणीय	84	0	32	32
	83	0	41	60
	82	0	12	64
	74	0	65	12
	68/1	0	17	44
	67/2	0	03	04
	69	0	34	24
	70	0	28	32
	57	0	15	84
	56/6	0	21	60
	54	0	59	36
	55/2	0	00	80
	36/3	0	34	56
	35	0	20	00
	34	0	11	52
	33/1	0	29	76
	33/2	0	10	08
	31	1	54	98

[सं० जी-12016/75/84-ओ.एन.जी-डी-4]

S.O. 2522.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Hajira-Bareilly to Jagdishpur in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto.

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodara (390 009).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

## SCHEDULE

Pipeline from Hajira to Bareilly to Jagdishpur

State : Gujarat District : Vadodara Taluka : Vaghodia

Village	Survey No	Hectare	Acre	Centi-are
VESANIYA	84	0	32	32
	83	0	41	60
	82	0	12	64
	74	0	65	12
	68/1	0	17	44
	67/2	0	03	04
	69	0	34	24
	70	0	28	32
	57	0	15	84
	56/6	0	21	60
	54	0	59	36
	55/2	0	00	80
	36/3	0	34	56
	35	0	20	00
	34	0	11	52
	33/1	0	29	76
	33/2	0	10	08
	31	1	54	98

[No. O-12016/75/84-ONG-D-4]

नई दिल्ली 19 जुलाई, 1984

का० आ० 2522.—यह केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में हजीरा-बरेली से जगदीशपुर तक पेट्रोलियम के परिवहन के लिए पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतद्वाक्य अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।



बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बड़ोदरा-9 को इस अधिसूचना की तारीख 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिविष्टतः यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिगत हो या किसी विधि व्यवसायी की मार्फत।

## अनुसूची

हजीरा से बरेली से जगदीशपुर तक पाइपलाइन बिछाने के लिए।

राज्य—गुजरात	जिला—बड़ोदरा	तालुका—डभोई		
गांव	ब्लॉक नं.	हेक्टर	आर	सेन्टीयर
बोरबार	159	0	16	48
	158	0	01	92
	157	0	12	48
	कार्ट ट्रैक	0	00	48
	156	0	22	56
	156	0	19	04
	155	0	17	28
	154	0	15	66
	153	0	00	16
	152	0	01	28

[सं. O-12016/60/84-ओ. एन. जी.-डी -4]

New Delhi, the 19th July, 1984

S.O. 2523.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Hajira-Bareilly to Jagdishpur in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto.

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodara (390009).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

## SCHEDULE

Pipeline from Hajira to Bareilly to Jagdishpur  
State : Gujarat District : Vadodara Taluka : Dabhoi

Village	Block No.	Hec.	Are	Centiare
Borbar	159	0	16	48
	158	0	01	92
	157	0	12	48
	Cart track	0	00	48

1	2	3	4	5
Borbar—Contd.	156	0	27	56
	156	0	19	04
	155	0	17	28
	154	0	15	66
	153	0	00	16
	152	0	01	28

[No. O-12016/60/84-ONG-D-4]

का. आ 2524—यत केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में हजीरा से बरेली से जगदीशपुर तक पेट्रोलियम के परिवहन के लिए पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यत. यह प्रतीत होता है कि ऐसी लाईनों को बिछाने के प्रयोजन के लिए एतद्प्राबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बड़ोदरा-9 को इस अधिसूचना की तारीख में 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिविष्टतः यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिगत हो या किसी विधि व्यवसायी की मार्फत।

## अनुसूची

हजीरा से बरेली से जगदीशपुर तक पाइपलाइन बिछाने के लिए।

राज्य—गुजरात	जिला—बड़ोदरा	तालुका—करजण		
गांव	सर्वे नं.	हेक्टर	आर	सेन्टीयर
1	2	3	4	5
लतिपुराटोबी	10	0	00	16
	9/3	0	08	80
	9/2	0	12	96
	9/1	0	03	20
	9/4	0	20	96
	8/9	0	04	64
	कार्ट ट्रैक	0	03	20
	12	0	00	32
	13	0	12	32
	14/1	0	10	20
	14/2	0	11	20
	14/3	5	07	84
	15	0	20	32
	16	0	02	24
	23	0	23	16
	22/1	0	08	80
	22/3	0	18	56
	कार्ट ट्रैक	0	07	04

1	2	3	4	5
ललितपुराट ब — जारो	36/1	0	18	32
	36/2	0	00	16
	37/7	0	02	56
	37/8	0	01	60
	37/9	0	20	96
	38	0	34	56
	90/1	0	09	60
	90/3	0	47	20
	96/2	0	16	32
	96/1	0	16	00
	96/पी	0	11	68
	86	0	18	88
	बार्ट ट्रेक	0	14	08
	98	0	17	12
	99	0	05	44
	99/1	0	16	96
	100/1	0	06	88
	100/2	0	02	88
	119	0	14	88
	117/2	0	07	04
	116	0	22	72
	114/पी	0	40	64
	114	0	12	16
	113	0	06	72

[म O-12016/49/84-ओ एन जी.-डी -4]

S.O. 2524—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Hajira-Bareilly to Jagdishpur in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission

And whereas it appears that for the purpose of laying such pipeline it is necessary to acquire the right of user in the land described in the schedule annexed hereto.

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Mineral Pipelines (Acquisition of Right of User in the land) Act 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodra (390009)

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

#### SCHEDULE

##### PIPELINE FROM HAJIRA-BAREILLY-JAGDISHPUR

S. No.	Dist.	Taluki	Village	Survey No.	Hec-tare	Centi-are
1	2	3	4	5	6	7
Latipura Timbi	10	0	00	16		
	9/3	0	08	80		
	9/2	0	12	96		
	9/1	0	03	20		
	9/4	0	20	96		
	8/2	0	04	64		
Cart track		0	03	20		
12		0	00	32		

1	2	3	4	5
Latipura Timbi- Cont'd.	13	0	12	32
	14/1	0	10	20
	14/2	0	11	20
	14/3	0	07	84
	15	0	20	32
	16	0	02	24
	23	0	23	16
	22/1	0	08	80
	22/2	0	18	56
Cart track		0	07	04
	36/1	0	18	32
	36/2	0	00	16
	37/7	0	07	56
	37/8	0	01	60
	37/9	0	20	96
	38	0	34	56
	90/1	0	09	60
	90/3	0	47	20
	96/2	0	16	32
	96/1	0	16	00
	96/P	0	11	68
	86	0	18	88
Cart track		0	14	08
	98	0	17	12
	99	0	05	44
	99/1	0	16	96
	100/1	0	06	88
	100/2	0	02	88
	119	0	14	88
	117/2	0	07	04
	116	0	22	72
	114/P	0	40	64
	114	0	12	16
	113	0	06	72

[No. O-12016/49/84-CNG-D-4]

का आ 2525—यत केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह अवश्य है कि गुजरात राज में शहमदबद 1 से 14 तक पेट्रोलियम के परिवहन के लिए पाइपलाइन, तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यत यह प्रतीत होता है कि ऐसी लाईनों को बिछाने के प्रयोजन के लिए एतद्पाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्द्वारा घोषित किया है।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप सक्षम अधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल भाग, मकरपुरा रोड, बड़ोदरा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा अक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिगत हो या किसी विधि व्यवस्था की मार्फत।

### अनुसूची

अहमदाबाद - 1 से 4 तक पाइप लाइन बिछाने के लिए।

राज्य—गुजरात जिला—अहमदाबाद तालुका —दसक्रोई

गांव	सर्वे	हेक्टर	आर	सेन्टीयर
1	2	3	4	5
रामोल	2/1	0	12	00
	18/1	0	01	50
	17	0	05	40
	21	0	21	45
	16/1	0	02	25
	22	0	09	00
	25	0	19	05
	80	0	12	00
	82/1	0	09	25
	82/4/1	0	03	90
	82/4/2	0	06	75
	126/5	0	03	20
	126/4	0	02	75
	126/3	0	03	40
	126/1	0	01	10
	127/5+6+8	0	06	00
	127/बी	0	10	00
	171/1	0	05	85
	190/1	0	22	00
	206/	0	10	40
	206/5	0	04	00
	206/7	0	10	50
	206/6	0	00	75
	206/3	0	00	75
	206/2	0	06	00
	108/4	0	07	70
	208/3	0	04	50
	120/2	0	05	70
	208/1	0	02	25
	214/4/ए	0	15	75
	213/3/3	0	05	40
	210/14	0	07	60
	210/12	0	03	20
	210/6	0	01	00
	210/13	0	01	00
	210/1	0	02	20
	210/2	0	01	60
	210/8+9	0	05	40
	211/1	0	09	00
	213/3/2	0	00	50

[स. O-12016/58/84-ओ. एन. जी.-डी.-4]

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodra (390060);

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

### SCHEDULE

Pipeline from Ahmedabad-1 to 14.

State : Gujarat District : Ahmedabad Taluka : Daskroi

Village	Survey No.	H c.	Are	Can.
1	2	3	4	5
Ramol	2/1	0	12	00
	18/1	0	01	50
	17	0	05	40
	21	0	21	45
	16/1	0	02	25
	22	0	09	00
	25	0	19	05
	80	0	12	00
	82/1	0	09	25
	82/4/1	0	03	90
	82/4/2	0	06	75
	126/5	0	03	20
	126/4	0	02	75
	126/3	0	03	40
	126/1	0	01	10
	127/5+6+8	0	06	00
	127/बी	0	10	00
	171/1	0	05	85
	190/1	0	22	00
	206/	0	10	40
	206/5	0	04	00
	206/7	0	10	50
	206/6	0	00	75
	206/3	0	00	75
	206/2	0	06	00
	108/4	0	07	70
	208/3	0	04	50
	120/2	0	05	70
	208/1	0	02	25
	214/4/ए	0	15	75
	213/3/3	0	05	40
	210/14	0	07	60
	210/12	0	03	20
	210/6	0	01	00
	210/13	0	01	00
	210/1	0	02	20
	210/2	0	01	60
	210/8+9	0	05	40
	211/1	0	09	00
	213/3/2	0	00	50

S.O. 2525.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Ahmedabad-1 to 14 in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission;

1	2	3	4	5
	210/2	0	01	60
	210/8+9	0	05	40
	211/1	0	09	00
	213/3/2	0	00	50

[No. O-17016/48/84-ONG-D-4]

नई दिल्ली, 20 जुलाई, 1984

का. आ. 2-26.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में अंकलेश्वर बरोडा गैस से लाइन ओ. एन. जी. सी. कौलनी तक पेट्रोलियम के परिवहन के लिये पाईपलाईन रेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यत यह प्रतीत होता है कि ऐसी लाइनों की बिछाने के प्रयोजन के लिये एतद्बद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाईपलाईन (भूमि में उपयोग के अधिकार का अधिनियम, 1962 (1962 का 50) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्द्वारा घोषित किया है।

बगलें कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के मीचे पाईप लाइन बिछाने के लिए आक्षेप सज्जम प्राधिकारी, रेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बड़ोदरा-9 को दस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिश्चितः यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुलवाई व्यक्तिगत हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

ओ. एन. जी. सी. कौलनी के लिये अंकलेश्वर बरोडा-गैस लाइन बिछाने के लिये।  
राज्य—गुजरात जिला—भरुच तालुका—अंकलेश्वर

गांव	सर्वे नं.	हेक्टेयर ए. आर. सेन्टीयर
सुरवाडी	175	0 15 34
	173	0 19 89
	172	0 00 91
	169/1	0 10 14
	170/1	0 10 40
	155	0 11 70
	156	0 02 60
	157	0 09 36
	160	0 01 95
	154	0 06 50
	149	0 07 41
	151/2	0 03 90
	145	0 11 70
	147	0 05 20
	144	0 14 95
	141/1	0 05 20
	140/3	0 10 92
	139	0 10 79
	136	0 09 49
	132	0 12 35
	129	0 03 64

1	2	3	4	5
	130	0	10	40
	117	0	08	50
	118	0	10	40

[स. O-12016/80/84-ओ. एन. जी. सी. 4]

New Delhi, the 20th July, 1984

S.O. 2526.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Ankleshwar Baroda Gas line to ONGC Colony in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission;

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodra (390009);

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

## SCHEDULE

Pipeline From Ankleshwar-Baroda Gas Line to ONGC Colony

State : Gujarat District : Bharuch Taluka : Ankleshwar

Village	Survey No.	Hec.	Are	Cen.
Surwadi	175	0	15	34
	173	0	19	89
	172	0	00	91
	169/1	0	10	14
	170/1	0	10	40
	155	0	11	70
	156	0	02	60
	157	0	09	36
	160	0	01	95
	154	0	06	50
	149	0	07	41
	151/2	0	03	90
	145	0	11	70
	147	0	05	20
	144	0	14	95
	141/1	0	05	20
	140/3	0	10	92
	139	0	10	79
	136	0	09	49
	132	0	12	35
	129	0	03	64
	130	0	10	40
	117	0	06	50
	118	0	10	40

[No. O-12016/80/84-ONGD 4]

का. भा. 2527 —यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में हजीरा - बरेली से जगदीशपुर तक पेट्रोलियम के परिवहन के लिये पाईप लाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए ;

और यतः यह प्रतीत होता है कि ऐसी लाईनों को बिछाने के प्रयोजन के लिये एतद्पाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है ;

अतः अब पेट्रोलियम और खनिज पाईपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्द्वारा घोषित किया है :

बशर्ते कि उक्त भूमि में हिनबद्ध कोई व्यक्ति, उस भूमि के नीचे पाईप लाइन बिछाने के लिए आक्षेप सक्षम अधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बडोदरा-9 को इस अधिसूचना की तारीख 21 दिनों के भीतर कर सकेगा ;

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी मूनवाई व्यक्तिगत हो या किसी विधि-व्यवसायी की मार्फत ।

## अनुसूची

हजीरा - बरेली से जगदीशपुर तक पाइप लाइन बिछाने के लिए ।

राज्य—गुजरात	जिला—बडोदरा	तालुका—डमोई			
गांव	ब्लॉक नं.	हेक्टेयर	ए. आर.	सेन्टीयर	
कोठारा	99	0	13	12	
	100	0	53	28	
		0	04	46	

[सं. O-12016/79/81-मो. एन. जी. सी-4]

S.O. 2527.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Hajira-Bareilly to Jagdishpur in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission ;

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein :

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodara (390009).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

## SCHEDULE

Pipeline from Hajira-Bareilly to Jagdishpur

State: Gujarat, District : Vadodara, Taluka : Dabhoi					
Village	Block No.	Hec.	Are	Cen.	
Kothara	99	0	13	12	
	100	0	53	28	
	Boundary	0	04	46	

[No. O-12016/79/84-ONGD 4]

का. भा. 2528 —यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में एन. के. ई. के. से सी. टी. एफ. नार्थ कडी तक पेट्रोलियम के परिवहन के लिये पाईपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए ;

और यतः यह प्रतीत होता है कि ऐसी लाईनों को बिछाने के प्रयोजन के लिये एतद्पाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है ;

अतः अब पेट्रोलियम और खनिज पाईपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्द्वारा घोषित किया है :

बशर्ते कि उक्त भूमि में हिनबद्ध कोई व्यक्ति, उस भूमि के नीचे पाईप लाइन बिछाने के लिए आक्षेप सक्षम अधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बडोदरा-9 को इस अधिसूचना की तारीख 21 दिनों के भीतर कर सकेगा ;

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी मूनवाई व्यक्तिगत हो या किसी विधि-व्यवसायी की मार्फत ।

## अनुसूची

एन. के. ई. के. से सी. टी. एफ. नार्थ कडी तक पाइप लाइन बिछाने के लिए

राज्य—गुजरात	जिला—मेहसाणा	तालुका—कडी			
गांव	मं. नं.	हेक्टेयर	ए. आर.	सेन्टीयर	
चालासन	93	0	37	20	
	कार्ट ट्रैक	0	01	20	
	71	0	08	00	

[सं. O-12016/78/84-मो. एन. जी. सी-4]

S.O. —Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from NKEK to CTF N. Kadi in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission ;

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein ;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodara (390009);

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

## SCHEDULE

Pipeline From N. K. E. K. to CTF N. Kadi

State: Gujarat, District : Mehsana, Taluka : Kadi					
Village	Survey No.	Hec.	Are	Cen.	
Chalasan	93	0	37	20	
	Cart track	0	01	20	
	71	0	08	00	

[No. O-12016/78-84-ONGD 4]

का. प्रा. सं. 2529.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में ओ. एन. जी. सी., मेहसाणा कॉलोनी को गैस देने के लिए पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए ;

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिये एतद्पावद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है ;

अतः अब पेट्रोलियम और खनिज पार्सपलाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्द्वारा घोषित किया है :

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाईप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, वडोदरा-9 को इस अधिसूचना की तारीख के 21 दिनों के भीतर कर सकेगा ;

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिगत हो या किसी विधि-व्यवसायी की मार्फत ।

अनुसूची

ओ. एन. जी. सी., मेहसाणा, कालोनी को गैस देने के लिये

राज्य—गुजरात	जिला और तालुका—मेहसाणा	गांव	सर्वे नं.	हेक्टेयर	ए. जार ई	सेन्टीयर
		हेडुवा-हनुमंत	148/2	0	13	68
			148/1	0	07	68
			144	0	11	05
			152	0	14	75
			151	0	06	00
			156/3	0	05	28
			156/2	0	09	24
			156/1	0	09	12
			157	0	17	16
			159	0	17	28
			कार्ट ट्रैक	0	00	96
			169	0	03	60
			176	0	24	72

[सं. O-12016/77/84-ओ. एन. जी. -डी 4]]

S.O. 2529.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Gas Supply to ONGC, Mehsana Colony in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission;

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein :

Provided that any person interested in the said land in within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent

Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodara (390009).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

## SCHEDULE

Pipeline For Gas Supply to ONGC, Mehsana Colony

State : Gujarat District & Taluka : Mehsana

Village	Survey No.	H.c.	Are	Cen
H. duva	148/2	0	13	68
Hanumant	148/1	0	07	68
	144	0	11	05
	152	0	14	75
	151	0	06	00
	156/3	0	05	28
	156/2	0	09	24
	156/1	0	09	12
	157	0	17	16
	159	0	17	28
	Cart track	0	00	96
	169	0	03	60
	176	0	24	72

[No. O-12016/77/84-ONGD 4]

का. आ. 2530.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में हजीरा-बरेली से जगदीशपुर तक पेट्रोलियम के परिवहन के लिये पाईपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए ;

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिये एतद्पावद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है ;

अतः अब पेट्रोलियम और खनिज पार्सपलाईन (भूमि में उपयोग का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्द्वारा घोषित किया है :

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाईप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, वडोदरा-9 को इस अधिसूचना की तारीख 21 दिनों के भीतर कर सकेगा ;

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिगत हो या किसी विधि-व्यवसायी की मार्फत ।

अनुसूची

हजीरा - बरेली से जगदीशपुर तक पाइप लाइन बिछाने के लिए

राज्य—गुजरात जिला—वडोदरा तालुका—बारोडीया

गांव	सर्वे नं.	हेक्टेयर	ए. जार ई	सेन्टीयर
वेजलपुर	108	0	02	72
	175	0	32	80
	176	0	18	52
	177/1 + 2	0	49	52

[सं. O-12016/73/84-ओ. एन. जी. -डी 4]]

S.O. 2530—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Hajira-Bareilly to Jagdishpur in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission;

And whereas it appears that for the purpose of laying such pipeline it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodra (390009);

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

### SCHEDULE

Pipeline From Hajira to Bareilly to Jagdishpur  
State : Gujarat District : Vadodra Taluka : Vaghodia

Village	Survey No.	Hec	Ac.	Cen.
Vejalpur	108	0	02	72
	175	0	32	80
	176	0	18	52
	177/1 + 2	0	49	52

[No. O-12016/73/84-ONGD 4]

का. आ. 2531 यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में हजिरा से बरेली से जगदीशपुर तक पेट्रोलियम के परिवहन के लिये पाईपलाईन लेन तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और, यतः यह प्रतीत होता है कि ऐसी लाईनों को बिछाने के प्रयोजन के लिये एतद्वाक्य अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब, पेट्रोलियम और खनिज पाईपलाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का योग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

वर्ततः कि उक्त भूमि में हितवन् कोई व्यक्ति उस भूमि के नीचे पाईप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, लेन तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, वडोदरा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी मुतबाई व्यक्तिगत ही या किसी विधि व्यावसायी की मार्फत।

### अनुसूची

हजिरा से बरेली से जगदीशपुर तक पाईप लाइन बिछाने के लिए।

राज्य—गुजरात	जिला—वडोदरा	तालुका—डमोई		
गाँव	सर्वे न	हेक्टेयर	आर.	सेन्टीयर
1	2	3	4	5
कायाबरोहन	492	0	07	20
	496/1	0	26	00

1	2	3	4	5
कायाबरोहन—जारी	496/2	0	12	00
	496/3	0	08	70
	474	0	11	50
	475/1	0	38	00
	465	0	04	00
	464	0	23	20
	463	0	34	08
कार्टे ट्रेक		0	05	44
	235	0	28	80
	228	0	00	05
	232	0	18	56
	231	0	03	57
	227/1	0	00	80
	227/2	0	08	80
	225	0	20	48
	224	0	32	00
	223	0	02	08
	222	0	00	20
	569/2	0	20	60
	3458	0	11	20
	3459	0	10	00
	3457	0	07	20
	3460	0	16	30
	3464	0	04	50
	3462/1	0	10	00
	3462/2	0	04	60
	3463	0	22	60
	3475/1	0	10	90
	3475/2	0	15	20
	3358	0	06	08
	568	0	12	00
	567	0	20	80
	566	0	01	70
	565	0	21	60
	561	0	27	20
	560	0	03	00
	559	0	00	60
	558	0	00	30
कार्टे ट्रेक		0	05	60
	524/3	0	00	10
	525	0	13	30
	526	0	44	00
	527	0	07	20
	527/1	0	20	48
	527/2	0	12	20
	527/6	0	09	00
	527/5	0	14	80
	527/4	0	17	00
कार्टे ट्रेक		0	13	00
	494	0	04	50
	490/2	0	02	00
Waste land		0	28	00

S.O. 2531.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Hajira-Bareilly to Jagdishpur Gujarat State pipeline should be laid by the Oil & Natural Gas Commission;

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodra (390009);

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

### SCHEDULE

Pipeline from Hajira-Bareilly-Jagdishpur

State : Gujarat District : Vadodra Taluka : Dabhoi

Village	Survey No.	Hec-tare	Are	Centiare
1	2	3	4	5
Kayavarohan	492	0	07	20
	496/1	0	26	00
	496/2	0	12	00
	496/3	0	06	70
	474	0	11	50
	475/1	0	38	00
	465	0	04	00
	464	0	23	20
	463	0	34	08
	Cart Track	0	05	44
	235	0	28	80
	228	0	00	05
	232	0	18	56
	231	0	03	57
	271/1	0	00	80
	227/2	0	08	80
	225	0	20	48
	224	0	32	00
	223	0	02	08
	222	0	00	20
	569/2	0	20	60
	3458	0	11	20
	3459	0	10	00
	3457	0	07	20
	3460	0	16	30
	3464	0	04	50
	3462/1	0	10	00
	3462/2	0	04	60
	3463	0	22	60
	3475/1	0	10	90

1	2	3	4	5
Kayavarohan	3475/2	0	15	20
—contd.	3358	0	06	08
	568	0	12	00
	567	0	20	80
	566	0	01	70
	565	0	21	60
	561	0	27	20
	560	0	03	00
	559	0	00	60
	558	0	00	30
	Cart track	0	05	60
	524/3	0	00	10
	525	0	13	30
	526	0	44	00
	527	0	07	20
	527/1	0	20	48
	527/2	0	12	20
	527/6	0	09	00
	527/5	0	14	80
	527/4	0	17	00
	Cart track	0	13	00
	494	0	04	50
	490/2	0	02	00
	Waste land	0	28	00

[No. O-12016/70/84-ONG-D.4]

का. ०. २५३२—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में हजिरा से बरेली से जगदीशपुर तक पेट्रोलियम के परिवहन के लिये पाईपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और, यतः, यह प्रतीत होता है कि ऐसी लाईनों को बिछाने के प्रयोजन के लिये एतद्विषयक अनुसूची में वर्णित भूमि में उपयोग का अधिकार अंजित करना आवश्यक है।

अतः, अब, पेट्रोलियम और खनिज पाईपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अंजित करने का अपना आशय एतद्द्वारा घोषित किया है।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाईप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, वडोदरा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट: यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिगत हो या किसी विधि व्यवसायी की मार्फत।

### अनुसूची

हजिरा से बरेली से जगदीशपुर तक पाईप लाइन बिछाने के लिए।  
राज्य—गुजरात जिला वडोदरा तालुका—डमोई

गांव	ब्लाक नं.	हेक्टर	आर	सेन्टीयर
1	2	3	4	5
छमाल	बाउन्डी	0	10	00
	442	0	01	44



1	2	3	4	5
खजाल	141	0	01	60
	437	0	58	40
	386	0	26	08
	389	0	38	72
	390	0	11	52
	391	0	29	20
	393	0	18	64
काट्टी ट्रेक	0	08	00	
	394	0	09	76
	337	0	22	88
	338	0	00	16
	383	0	37	68
	382	0	24	64
	378	0	64	16
	379	0	12	96
	369	0	27	20
	370	0	39	52
	371	0	17	12
	363	0	07	52
	355	0	16	00
	354	0	03	52
	345	0	28	00
	343	0	08	32
	344	0	20	04
	333	0	24	96
	354	0	04	32
	244	0	00	16
	246	0	26	08
	247	0	12	16
	254	0	01	76

[सं. ओ-12016/63/84-ओ. एन. जी.-4]

S.O. 2532.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Hajira-Bareilly to Jagdishpur in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission;

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority Oil & Natural Gas Commission, Construction & Maintenance Division, Makerpura Road, Vadodara (390009);

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

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## SCHEDULE

Pipeline from Hajira-Bareilly-Jagdishpur  
State : Gujarat District : Vadodara Taluka : Dabhoi

Village	Block No.	Hec-tare	Are	Centiare
1	2	3	4	5
Chhatral	Boundary	0	10	00
	442	0	01	44
	441	0	01	60
	437	0	58	40
	386	0	26	08
	389	0	38	72
	390	0	11	52
	391	0	29	20
	393	0	18	64
	Cart track	0	08	00
	374	0	09	76
	337	0	22	88
	338	0	00	16
	383	0	37	68
	382	0	24	64
	378	0	64	16
	379	0	12	96
	369	0	27	20
	370	0	39	52
	371	0	17	12
	363	0	07	52
	355	0	16	00
	354	0	03	52
	345	0	28	00
	343	0	08	32
	344	0	20	04
	333	0	24	96
	334	0	04	32
	244	0	00	16
	246	0	26	08
	247	0	12	16
	254	0	01	76

[No. O-12016/63/84-ONGD 4]

का० आ० 2533.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में हजिरा से बरेली से जगदीशपुर तक पेट्रोलियम के परिवहन के लिये पाईपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जाधी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाईनों को बिछाने के प्रयोजन के लिये एतद्पाठ अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाईपलाइन (भूमि में उपयोग के अधिकार, क. अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उपर्युक्त उपयोग का अधिकार अर्जित करने का अपना आशय एतद्द्वारा घोषित किया है।

बताने कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप मसम प्राधिकारी, नेत्र तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल विभाग, मकरपुरा रोड, वडोदरा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर देगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिश्चित: यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिगत हो या किसी विधि व्यवसायी की मार्फत।

#### अनुसूची

हजिरा से बरेली से जगदीशपुर तक पाइप लाइन बिछाने के लिए।

राज्य : गुजरात जिला : वडोदरा तालुका : दभोई ।

गाँव	सर्वे नं.	हेक्टेयर	ए.आई.	सेन्टीयर
कदधरपुरा	अर्ध भूमी	0	02	40
	57	0	01	12
	56	0	14	56
	55	0	30	88
	54	0	03	36
	51	0	23	68
	49	0	12	96
	50	0	13	12
	63/1	0	18	94
	63/2	0	04	08
	61	0	31	44
	60/पी	0	35	52
	32	0	01	92
	31	0	40	16
	28	0	55	04
	27	0	06	40
	अर्ध भूमि	0	07	99

पी०के० राजगोपालनडैस्क अधिकारी  
[स. ओ.-12016/62/84-ओ. एम. जी.-डी-4]

S.O. 2533.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Hajira-Bareilly to Jagdishpur in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission;

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodera (390009);

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

#### SCHEDULE

Pipeline from Hajira-Bareilly to Jagdishpur  
State : Gujarat District : Vadodara Taluka : Dabhoi

Village	Survey No.	Hec-tare	Are	Centiare
Kadadharpura	Waste land	0	02	40
	57	0	01	12
	56	0	14	56
	55	0	30	88
	54	0	03	36
	51	0	23	68
	49	0	12	96
	50	0	13	12
	63/1	0	18	94
	63/2	0	04	08
	61	0	31	44
	60/P	0	35	52
	32	0	01	29
	31	0	40	16
	28	0	55	04
	27	0	06	40
	Waste land	0	07	99

P.K. RAJA GOPALAN Desk Office:  
[No. O-12016/62/84-ONGD 4]

#### स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

नई दिल्ली, 14 जून, 1984

का० प्रा० 2534.—यतः दन्त चिकित्सक अधिनियम, 1948 (1948 का (16) की धारा 3 के खण्ड उप (घ) का अनुसरण करते हुए निम्न-लिखित व्यक्तिओं को उनके नाम के सामने उल्लिखित विश्वविद्यालयों द्वारा, प्रत्येक व्यक्ति के सामने दी गई ध्यान की तारीख से भारतीय दंत चिकित्सा परिषद् के सदस्यों के रूप में निर्वाचित किया गया है अर्थात्:—

सदस्यों का विवरण	निर्वाचित करने वाले विश्वविद्यालय का नाम	निर्वाचन की तारीख
1. डा. बी. पी. राजन बी.एस.सी., एम.डी.एस. प्रिंसिपल, मद्रास डेंटल कॉलेज, मद्रास ।	मद्रास विश्वविद्यालय	6-2-1984
2. डा. प्रवीरलाल मुखोपाध्याय, एम.बी.बी.एस., एम.एस. डी.एल.ओ., प्रोफेसर, कान, माक, गला, विभाग, कलकत्ता मेडिकल कॉलेज, कलकत्ता ।	कलकत्ता विश्वविद्यालय	21-12-1983

अतः अब उक्त अधिनियम की धारा 3 के खण्ड (घ) के अनुसरण में 24 जनवरी, 1984 को स्वास्थ्य और परिवार कल्याण मंत्रालय, भारत सरकार की अधिसूचना संख्या का.प्रा. 430 द्वारा पुनः प्रकाशित भारत के सरकार के पूर्ववर्ती स्वास्थ्य मंत्रालय की अधिसूचना संख्या एक. 10-10-

48-एम-1 दिनांक 12 अप्रैल, 1949 में निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में "धारा 3 के खण्ड (घ) के अधीन निर्वाचित" शीर्ष के अन्तर्गत,

(क) क्रम संख्या 2 और उससे सम्बन्धित प्रविष्टियों के स्थान पर निम्नलिखित क्रम संख्या और प्रविष्टियाँ प्रतिस्थापित की जाएंगी अर्थात् :—

"2 डॉ. बी. पी. राजन, मद्रास विश्वविद्यालय 6-2-1984"

बी.एम.सी. एम.डी.एम

प्रिंसिपल,

मद्रास डेंटल कॉलेज, मद्रास

(ख) क्रम संख्या 13 और उससे सम्बन्धित प्रविष्टियों के साथ निम्नलिखित क्रम संख्या और प्रविष्टियाँ रखी जाएंगी अर्थात् :—

"14 डॉ. अबीरनाथ मुखोपाध्याय, कलकत्ता विश्वविद्यालय 21-12-1983"

एम.बी.बी.एस.,

एम.एस.बी.एस.

प्रो०, प्रोफेसर, कान, नाक, गला,

विभाग,

कलकत्ता मेडिकल कॉलेज, कलकत्ता।

[सं० बी-120131/84-पी०एम०एस०एस.]

MINISTRY OF HEALTH AND FAMILY WELFARE

Department of Health

New Delhi, the 14th June, 1984

S.O. 2534.—Whereas in pursuance of clause (d) of section 3 of the Dentists Act 1948 (16 of 1948) the following persons have been elected by the Universities indicated against their names to be the members of the Dental Council of India with effect from date of election shown against each namely :—

Particulars of Members	Name of the University which elected him.	Date of election
1. Dr. B.P. Rajan B.Sc. M.D.S. - Principal Madras Dental College Madras.	Madras University	6-2-1984
2. Dr. Abirnal Mukhopadhyay MBBS, MS, DLO, Professor, Department of E.N.T. Calcutta Medical College, Calcutta.	Calcutta University	21 12 1984

Now, therefore, in pursuance of clause (d) of section 3 of the said Act, the Central Government hereby makes the following further amendments in the notification of the Government of India in the erstwhile Ministry of Health No. F. 10-10/48 MI dated the 12 April, 1949, as republished by the notification of the Government of India in the Ministry of Health and Family Welfare No. S.O. 430, dated the 24th January, 1984 namely :

In the said notification under the heading "Elected under clause (d) of section 3".

(a) for serial number 2 and the entries relating thereto, the following serial number and entries shall be substituted, namely :

"2. Dr. B.P. Rajan, Madras University 6-2-84  
B.Sc. M.D.S.,  
Principal,  
Madras Dental College,  
Madras.

(b) after serial number 13 and the entries relating thereto, the following serial number and entries shall be inserted of namely :—

"14. Dr. Abirnal Mukhopadhyay Calcutta University 21-12-83"  
MBBS, MS, DLO,  
Professor,  
Department of E.N.T.  
Calcutta Medical  
College, Calcutta.

[No. V-12013/1/84-PMS]

नई दिल्ली, 17 जुलाई, 1984

का०आ० 2535.—यत दंत चिकित्सक अधिनियम, 1948, (1948 का 16) की धारा 3 के खण्ड (क) के अनुसरण में कर्नाटक दंत चिकित्सा परिषद् ने 25 अप्रैल, 1984 से डा० यू.एस.मोहनवास नायक, बी.डी.एस., डेंटल सर्जन, घट्टावर नन्दीगुडा रोड, मंगलूर को डा. पी. एस. देसाई के स्थान पर भारतीय दंत चिकित्सा परिषद् का सदस्य निर्वाचित किया है।

अतः अब उक्त अधिनियम की धारा 3 के अनुसरण में केन्द्रीय सरकार एतद्वारा भारत सरकार के पूर्वावर्ती स्वास्थ्य मंत्रालय की 12 अप्रैल, 1949 की अधिसूचना संख्या एफ. 10-10/48-एम 1 में, जो 24 जनवरी, 1984 को भारत सरकार के स्वास्थ्य और परिवार कल्याण मंत्रालय (स्वास्थ्य विभाग) की अधिसूचना संख्या का.आ. 430 द्वारा पुनः प्रकाशित की गई थी, निम्नलिखित और संशोधन करती है अर्थात् :

उक्त अधिसूचना में "धारा 3 के उपबन्ध के साथ पठित खण्ड (क) के अधीन निर्वाचित" शीर्ष के अन्तर्गत क्रम संख्या 7 और उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित क्रम संख्या और प्रविष्टियाँ रखी जाएंगी अर्थात् :—

1	2	3	4	5
"7. डा. यू.एस.मोहनवास डेंटल सर्जन, घट्टावर नन्दी गुडा रोड, मंगलूर 575001	निर्वाचित	कर्नाटक दंत चिकित्सा परिषद्	25-4-1984	

[सं० बी-12013/3/84-पी०एम०एस०एस.]

कु.सी. सिन्हा, अवर सचिव

New Delhi, the 17th July, 1984

S.O. 2535.—Whereas in pursuance of clause (a) of section 3 of the Dentists Act, 1948 (16 of 1948), Dr. U.S. Mohandas Nayak, BDS, Dental Surgeon, Attavar Nandigudda Road, Mangalore, has been elected to be a member of the Dental Council of India by the Karnataka Dental Council with effect, from the 25th April, 1984 vice Dr. G.S. Desai;

Now therefore, in pursuance of section 3 of the said Act, the Central Government hereby makes the following further amendments in the notification of the Government of India in the erst while Ministry of Health, No. F. 10-10/48-MI, dated the 12th April, 1949, as republished by the notification of the Government of India in the Ministry of Health and Family Welfare (Department of Health) No. S.O. 430, dated the 24th January, 1984, namely :—

In the said notification, under the heading "Elected under clause (a) read with proviso to section 3" for serial number 7 and the entries relating thereto, the following serial number and entries shall be substituted, namely :—

"7. Dr. U S. Mohandas Nayak, Dental Surgeon, Attavar Nandigudda Road, Mangalore- 575001.	Elected Dental Council	Karnataka 25-4-1984"
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[No. V. 12013/3/84/-PMS]  
KUM. C. CINTURY, Under Secy.

नई दिल्ली, 5 जुलाई, 1984

का.भा. 2536.—भारतीय आयुर्विज्ञान परिषद् अधिनियम 1956 (1956 का 102) की धारा 14 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार भारतीय आयुर्विज्ञान परिषद् से परामर्श करने के बाद एतद्वारा यह निदेश देती है बेलज विश्वविद्यालय यूनाईटेड किंगडम द्वारा प्रदान की गई एम.बी.बी.सी.एन. चिकित्सा अर्हता इस अधिनियम के प्रयोजनार्थ एक मान्यता प्राप्त चिकित्सा अर्हता होगी।

[सं. बी० 11016/7/83-एम०ई० (पी०)]

New Delhi, the 5th July, 1984

S.O. 2536.—In exercise of the powers conferred by sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consultation with the Medical Council of India, hereby directs that the medical qualification "M.B.B.Ch." granted by the University of Wales (United Kingdom) shall be recognised medical qualification for the purposes of that Act.

[No. V. 11016/7/83-ME(P)]

नई दिल्ली, 7 जुलाई, 1984

का० भा० 2537.—भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 14 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार भारतीय आयुर्विज्ञान परिषद् से परामर्श करने के बाद एतद्वारा यह निदेश देती है कि कराची विश्वविद्यालय (पाकिस्तान) द्वारा प्रदान की गई "एम० बी० बी० एम०" चिकित्सा अर्हता, इस अधिनियम के प्रयोजनार्थ एक मान्यता प्राप्त चिकित्सा अर्हता होगी।

[सं. बी० 11016/5/84-एम०ई० (पी०)]

आर० एन० तिवारी, उप सचिव

New Delhi, the 7th July, 1984

S.O. 2537.—In exercise of the powers conferred by sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consultation with the Medical Council of India, hereby directs that the medical

qualification "M.B.B.S." granted by the University of Karachi (Pakistan) shall be a recognised medical qualification for the purposes of that Act.

[No. V. 11016/3/84-ME(P)]  
R. N. TEWARI, Dy. Secy.

नई दिल्ली, 26 जुलाई, 1984

प्रावेश

का० आ० 2538.—यतः केन्द्रीय सरकार ने भारत सरकार के स्वास्थ्य मंत्रालय की 7 जुलाई, 1984 की अधिसूचना सं० बी० 11016/3/84-एम० ई० (पी०) द्वारा यह निवेदित किया है कि कराची विश्वविद्यालय (पाकिस्तान) द्वारा प्रदत्त चिकित्सा अर्हता एम० बी० बी० एम० भारतीय चिकित्सा परिषद् अधिनियम, 1956 (1956 का 102) के प्रयोजन के लिए मान्यता प्राप्त चिकित्सा अर्हता होगी।

और यतः डा० (श्रीमती) तबस्सुम अमीर वली (विवाहपूर्व तबस्सुम आरा अब्बासी) जो उक्त अर्हता रखती हैं। फिलहाल डा० बालबी स्मारक अस्पताल, बगदगंज, नागपुर के साथ धर्मार्थ कार्य के लिये संबद्ध हैं।

अतः अब उक्त अधिनियम की धारा 14 की उप-धारा (1) के परंप्रक के खंड (ग) के अनुसरण में केन्द्रीय सरकार एतद्वारा निम्नलिखित करती है :—

(i) 9 फरवरी, 1985 तक की अवधि या

(ii) वह अवधि जिसमें डा० (श्रीमती) तबस्सुम अमीर वली (विवाहपूर्व तबस्सुम आरा अब्बासी) उक्त डा० बालबी स्मारक अस्पताल बगदगंज, नागपुर के साथ संबद्ध रहेंगी, जो भी कम हो, उक्त डाक्टर द्वारा चिकित्सीय प्रैक्टिस करने की सीमित अवधि होगी।

[सं. बी० 11016/3/84-एम०ई० (पी०)]

सनपाल भसीन, प्रेक्षक सचिव

New Delhi, the 20th July, 1984

## ORDER

S.O. 2538.—Whereas by the notification of the Government of India in the Ministry of Health No. V. 11016/3/84-ME(P) dated the 7th July, 1984, the Central Government has directed that the medical qualification M.B.B.S. granted by the University of Karachi (Pakistan) shall be recognised medical qualification for the purpose of the Indian Medical Council Act, 1956 (102 of 1956).

And Whereas Dr. (Mrs.) Tabassum Amir Vali, (Nee Tabassum Ara Abbasi) who possesses the said qualification is for the time being attached to the Dr. Dalvi Memorial Hospital, Bagadganj, Nagpur for the purposes of charitable work;

Now, therefore, in pursuance of Clause (c) of the proviso to sub-section (1) of section 14 of the said Act, the Central Government hereby specifies—

(i) a period upto the 9th February, 1985 or

(ii) the period during which Dr. (Mrs.) Tabassum Amir Vali (nee Tabassum Ara Abbasi) is attached to the said Dr. Dalvi Memorial Hospital, Bagadganj, Nagpur, whichever is shorter, as the period to which the medical practice by the aforesaid doctor shall be limited.

[No. V. 11016/3/84-ME(P)]

S.P. BHASIN, Under Secy.

**कृषि मंत्रालय**

(कृषि और सहकारिता विभाग)

नई दिल्ली, 7 जुलाई, 1984

**आदेश**

का.आ. 2539.—राष्ट्रपति केन्द्रीय सिविल सेवा (वर्गीकरण नियंत्रण और अपील) नियम 1965 के नियम 12 के उपनियम (2) के खड (ख) द्वारा प्रवर्तन शक्तियों का प्रयोग करते हुए, और का.आ.स. 1036 तारीख 27 मार्च, 1980 और का.आ.स. 314 तारीख 18 जनवरी, 1982 के अधीन जारी अधिसूचनाओं को अधिकांश करने हुए, निदेश देने है कि —

- (1) साधारण केन्द्रीय सेवा समूह "ख" पदों की यावत जो इस आदेश की अनुसूची के भाग 1 के स्तम्भ 1 में विनिर्दिष्ट हैं, उक्त अनुसूची के स्तम्भ 2 और 3 में विनिर्दिष्ट प्राधिकारी उनके स्तम्भ 4 में विनिर्दिष्ट शास्तियों के संबंध में क्रमशः नियुक्ति प्राधिकारी और अनुशासन प्राधिकारी होंगे।
- (2) साधारण केन्द्रीय सेवा समूह "ग" और साधारण केन्द्रीय सेवा समूह "घ" पदों की यावत जो इस आदेश की अनुसूची के भाग 2 और 3 के स्तम्भ 1 में विनिर्दिष्ट हैं, उक्त अनुसूची के स्तम्भ 2, 3 और 5 में विनिर्दिष्ट प्राधिकारी उनके स्तम्भ 4 में विनिर्दिष्ट शास्तियों के लिए क्रमशः नियुक्ति प्राधिकारी, अनुशासन प्राधिकारी और अपील प्राधिकारी होंगे।

**अनुसूची****भाग I—साधारण केन्द्रीय सेवा, समूह "ख"**

पद का नाम	नियुक्ति प्राधिकारी	शास्तिया अधिरोपित करने के लिए सक्षम प्राधिकारी, और अपील प्राधिकारी वे शास्तिया जो वह अधिरोपित कर सकता है। (नियम 11 की मद संख्याओं के प्रति निर्देश में)		
		प्राधिकारी	शास्तिया	
1	2	3	4	5
सभी पद	महा प्रबंधक	महा प्रबंधक	सभी	--

**भाग II साधारण केन्द्रीय सेवा, समूह "ग"**

1	2	3	4	5
सभी पद	उप महाप्रबंधक (प्रशासन)	उप महाप्रबंधक (प्रशासन)	सभी	महाप्रबंधक

**भाग III साधारण केन्द्रीय सेवा, समूह "घ"**

1	2	3	4	5
सभी पद	उप महाप्रबंधक (प्रशासन)	उप महाप्रबंधक (प्रशासन)	सभी	महाप्रबंधक

[सं. 13-41/83-एल. डी.-1]

आर. के. राय चौधरी, उप सचिव

MINISTRY OF AGRICULTURE  
(Department of Agriculture & Cooperation)  
New Delhi, the 7th July, 1984  
ORDER

S.O. 2539.—In exercise of the powers conferred by clause (b) of sub-rule (2) of rule 12 of the Central Civil Service, (Classification, Control and Appeal) Rules, 1965 and in supersession of the notifications issued under S.O. No. 1036 dated the 27th March, 1980 and S.O. No. 314 dated the 18th January, 1982, the President hereby directs that :—

- (1) in respect of posts in the General Central Services, Group 'B' specified in column 1 of Part I of the Schedule to this Order, the authorities specified in columns 2 and 3 of the said Schedule shall respectively be the appointing authority and disciplinary authority in regard to the penalties specified in column 4 thereof, and
- (2) in respect of posts in the General Central Services, Group 'C' and the General Central Services, Group 'D' specified in column 1 of Parts II and III of the Schedule to this Order, the authorities specified in columns 2, 3 and 5 of the said Schedule shall respectively be the appointing authority, disciplinary authority and appellate authority in regard to penalties specified in column 4 thereof.

## SCHEDULE

## PART I - General Central Services, Group B.

Description of post	Appointing authority	Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in rule 11).		Appellate authority.
		Authority	Penalties	
(1)	(2)	(3)	(4)	(5)
All posts	General Manager	General Manager	All	....

## PART II - General Central Services, Group 'C'

(1)	(2)	(3)	(4)	(5)
All posts	Deputy General Manager (Administration)	Deputy General Manager (Administration)	All	General Manager

## PART III - General Central Services, Group 'D'

(1)	(2)	(3)	(4)	(5)
All posts	Deputy General Manager (Administration)	Deputy General Manager (Administration)	All	General Manager

[No. 13-41/83-LD-I]

R.K. ROY CHOUDHURY, Dy. Secy.

## ग्रामीण विकास मंत्रालय

नई दिल्ली, 18 जुलाई, 1984

का. भा. 2540.—इलायची श्रेणीकरण और चिह्नीकरण नियम, 1962 का और संशोधन करने के लिए नियमों का निम्नलिखित प्रारूप, जिसे केन्द्रीय सरकार, कृषि उपज (श्रेणीकरण और चिह्नीकरण) अधिनियम, 1937 (1937 का 1) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, बनाना चाहती है, उक्त धारा की अपेक्षानुसार ऐसे सभी व्यक्तियों की जानकारी के लिए प्रकाशित किया जाता है, जिनके उमसे प्रभावित होने की संभावना है। इसके द्वारा यह सूचना दी जाती है कि उक्त प्रारूप नियमों पर उक्त तारीख से जिसको, उस भारत के राजपत्र की प्रतियाँ जिसमें उक्त अधिसूचना प्रकाशित की जाती है जनता को उपलब्ध कराई जाती है, 15 दिन के पश्चात् विचार किया जाएगा।

ऐसे आशेषों या सुझावों पर जो इस प्रकार विनिर्दिष्ट अवधि की समाप्ति से पहले उक्त प्रारूप की भावना किसी व्यक्ति से प्राप्त होंगे, केन्द्रीय सरकार विचार करेगी।

## प्रारूप नियम

इन नियमों का सम्बन्ध नाम इलायची श्रेणीकरण और चिह्नीकरण (संशोधन) नियम, 1984 है।

2. इलायची श्रेणीकरण और चिह्नीकरण नियम, 1962 में—

(क) नियम 7 के उप-नियम (3) के पश्चात् निम्नलिखित परस्तुक अंतः स्थापित किया जाएगा, अर्थात्:—

“परन्तु यह कि जब ऐसे पैकेजों में, प्रति पैकेज 2 कि. ग्रा. या 2 कि. ग्रा. से कम इलायची है तब उन पर एगमार्क लेबलों या उनकी प्रतिकृति पर होना आवश्यक नहीं है।”

टिप्पण—1 मूल नियम भारत के राजपत्र, भाग 2, खंड 3, उपखंड (ii) तारीख 12-5-62 में पृष्ठ 1685 से 1692 पर का. भा. 1110 द्वारा प्रकाशित किए गए थे।

2. पहला संशोधन, भारत के राजपत्र, भाग 2, खंड 3, उपखंड (ii) तारीख 31-8-63 में पृष्ठ 2878 से 2883 पर का. भा. 2167 द्वारा प्रकाशित किया गया था।

3. दूसरा संशोधन, भारत के राजपत्र, भाग 2, खंड 3, उपखंड (ii) तारीख 16-8-69 में पृष्ठ 3461 से 3463 पर का. भा. 3246 द्वारा प्रकाशित किया गया था।

[स. 10-4/83-एम—I]

बी. के. बजाज, चवर सचिव

## MINISTRY OF RURAL DEVELOPMENT

New Delhi, the 18th July, 1984

S.O. 2540.—The following draft rules, further to amend the Cardamom Grading and Marking Rules, 1962 which the Central Government proposes to make in exercise of the powers conferred by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937) are hereby published as required by the said section for information of all persons likely to be affected thereby and notice is hereby given that the said draft rules shall be taken into consideration after 45 days from the date on which the copies of the Gazette of India in which this notification is published are made available to the public.

Any objections or suggestions received from any person with respect to the said draft rules, before the expiry of the period so specified, will be considered by the Central Government.

## DRAFT RULES

1. These rules may be called the Cardamom Grading and Marking (Amendment) Rules, 1984.

2. In the Cardamom Grading and Marking Rules, 1962—  
(a) in rule 7, after sub-rule (3) the following proviso shall be inserted, namely:—

“Provided that when such packages contain 2 kg. or less than 2 kg. of cardamom per package, they may not bear Agmark labels or replica thereof.”

Notes : 1. The principal rules published vide S.O. 1410 on pages 1685 to 1692 in the Gazette of India Part II, Section 3, Sub-section (ii), dated 12-5-1962.

2. First amendment published vide S.O. 2467 on pages 2878 to 2883 in the Gazette of India, Part II, Section 3, Sub-section (ii), dated 31-8-63.

3. Second amendment published vide S.O. 3246 on pages 3461 to 3463 in the Gazette of India Part II, Section 3, sub-section (ii), dated 16-8-69.

[No. 10-4/83-MI]

B. K. BAJAJ, Under Secy.

## पर्यावरण विभाग

नई दिल्ली, 4 जुलाई, 1984

का. भा. 2541:—केन्द्रीय सरकार राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम 1976 के नियम 10 के उप नियम (4) के अनुसरण में पर्यावरण विभाग 7 अधीन निम्नलिखित कार्यालय जिसके कर्मचारीबन्धन ने हिन्दी का कार्यवाहक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है,

राष्ट्रीय प्राणी उद्यान,  
नई दिल्ली

[संख्या ई-11011/4/84-हिन्दी]

हरे लाल, अवर सचिव

## DEPARTMENT OF ENVIRONMENT

New Delhi, the 4th July, 1984

S.O. 2541.—In pursuance of Sub-Rule (4) of rule 10 of the (Official Language purpose of the Union) Rules, 1976, the Central Government hereby notifies the following office under the Administrative Control of the Department of Environment the staff whereof have acquired the working knowledge of Hindi:—

National Zoological Park,  
New Delhi

[No. E. 11011/4/84-Hindi]

HARFY LAL, Under Secy.

## पर्यटन और नागर विमानन मंत्रालय

(नागर विमानन विभाग)

नई दिल्ली, 17 जुलाई, 1984

का. भा. 2542:—केन्द्रीय सरकार, वायु निगम अधिनियम 1953 (1953 का 27) की धारा 41 द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, वायु निगम नियम, 1954 का और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात्—

1 (1) इन नियमों का संक्षिप्त नाम वायु निगम (संशोधन) नियम, 1984 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2 वायु निगम नियम, 1954 में नियम 6 के स्थान पर निम्नलिखित नियम रखा जाएगा अर्थात्—

6. वार्षिक रिपोर्ट और लेखाओं का तैयार किया जाता और प्रस्तुत किया जाता

प्रत्येक वित्तीय वर्ष की समाप्ति के पश्चात् यथाशीघ्र निगम के कार्य और प्रत्येक क्रिया कलाप संबंधी वार्षिक रिपोर्ट और निगम के वित्तीय परिणामों को दर्शाने वाला वार्षिक लेखा ऐसे समसुबंगी लेखाओं के साथ जैसा केन्द्रीय सरकार द्वारा विनिर्दिष्ट किया जाए, तैयार किया जाएगा। रिपोर्ट और लेखाओं को सामान्य मुद्रा लगा कर अधिप्रमाणित करके और निगम द्वारा सम्यक रूप से पारित करके क्रमशः केन्द्रीय सरकार को और नियंत्रक महालेखापरीक्षक को प्रागामी 15 अगस्त को या उससे पूर्व प्रस्तुत किया जाएगा। नियंत्रक महालेखापरीक्षक द्वारा सम्यक रूप से लेखा परीक्षित और प्रमाणित लेखाओं को केन्द्रीय सरकार को 31 अक्टूबर, को या उससे पूर्व प्रस्तुत किया जाएगा।

परन्तु निगम द्वारा अनुरोध किए जाने पर केन्द्रीय सरकार उपर नियंत्रक महालेखा परीक्षक की सहमति से, नियंत्रक महालेखा परीक्षक या केन्द्रीय सरकार को लेखा प्रस्तुत करने की तारीख को उतनी शर्तों तक बढ़ा सकती जितनी वह उचित समझे।

[ए० बी० 18012/5/74-ए.सी.]

शांतनु कृत्स्न, उप सचिव

## MINISTRY OF TOURISM AND CIVIL AVIATION

(Deptt. of Civil Aviation)

New Delhi, the 17th July, 1984

S.O. 2542:—In exercise of the powers conferred by section 44 of the Air Corporations Act, 1953 (27 of 1953), the Central Government hereby makes the following rules further to amend the Air Corporations Rules 1954, namely:—

1. (1) These rules may be called the Air Corporations (Amendment) Rules, 1984.

(2) They shall come into force on the date of their publications in the Official Gazette.

2. In the Air Corporations Rules 1954, for rule 6, the following rule shall be substituted, namely:—

6. Preparation and submission of annual report and accounts.

As soon as may be after the end of each financial year, an annual report on the work and activities of the Corporation and the annual accounts showing the financial results of the Corporation shall be prepared with such subsidiary accounts as may be specified by the Central Government. The report and the accounts authenticated by affixing the common seal and duly passed by the Corporation shall be submitted respectively to the Central Government and to the Comptroller and Auditor General on or before 15th August following. The said accounts duly audited and certi-

ified by the Comptroller and Auditor General shall be submitted to the Central Government on or before the 31st October.

Provided that on a request received from the Corporation, the Central Government may, with the concurrence of the said Comptroller and Auditor General, extend the date of submission of the accounts to the Comptroller and Auditor General or to the Central Government by such period as it may think fit.

[Av. 18012/5/74-AC]

SHANTANU CONSUL, Dy. Secy.

### संचार मंत्रालय

(डाक तार बोर्ड)

नई दिल्ली, 23 जुलाई 1984

का. आ. 2543.—स्थायी आदेश संख्या 627 दिनांक 8 मार्च 1960 द्वारा लागू किए गये भारतीय तार नियम, 1951 के नियम 431 के खंड III के पैरा (क) के अनुसार डाक-तार महानिदेशक ने वडामुगम/वलोडे किःकोटागिरी/परुंगागूर टेलीफोन केन्द्र में दिनांक 1-8-1984 में प्रमाणित दर प्रणाली लागू करने का निश्चय किया है।

[संख्या 5-4/84-पी. एच. बी.]

### MINISTRY OF COMMUNICATIONS

(P&T Board)

New Delhi, the 23rd July, 1984

S.O. 2543.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960, the Director General, Posts and Telegraphs, hereby specified 1st August, 1984 as the date on which the Measured Rate System will be introduced in Vadamugam/Vellode/Kilokotagiri/Perungalur Telephone Exchanges Tamil Nadu Circle.

[No. 5-4/84-PHB]

का. आ. 2544.—स्थायी आदेश संख्या 627 दिनांक 8 मार्च 1960 द्वारा लागू किए गये भारतीय तार नियम 1951 के नियम 434 के खंड III के पैरा (क) के अनुसार डाक-तार महानिदेशक ने कजूर/इरीटी/माम्ब्राराम/पनूर/तवाकनु टेलीफोन केन्द्र में दिनांक 1-8-1984 में प्रमाणित दर प्रणाली लागू करने का निश्चय किया है।

[संख्या 5-9/84-पी. एच. बी.]

यो. रा. भसीन, सहायक महानिदेशक (पी एच बी)

S.O. 2544.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960, The Director General, Posts and Telegraphs, hereby specified 1st August, 1984 as the date on which the Measured Rate System will be introduced in Kizhur/Irity/Mambram/Panoor/Thuvakunnu Telephone Exchanges Kerala Circle.

[No. 5-9/84-PHB]

Y. R. BHASIN, Asstt. Director Genl. (PHB)

### अर्थ और पुनर्वासि मंत्रालय

(पुनर्वासि विभाग)

नई दिल्ली, 18 जून, 1984

का. आ. 2545.—विस्थापित व्यक्ति (प्रतिकर तथा पुनर्वासि) अधिनियम 1954 (1954 का 44) की धारा (1) की उपधारा -3 द्वारा भारत प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार इसके द्वारा मिलाताई सरकार के कलैक्टरों, अतिरिक्त कलैक्टरों और जिला राजस्व

अधिकारियों को उक्त अधिनियम के द्वारा अथवा उसके अधीन बंदोबस्त आयुक्तों के रूप में उन्हें सौंपे गए कार्यों, कलैक्टरों, अतिरिक्त कलैक्टरों और जिला राजस्व अधिकारियों के रूप में उनके अपने कार्य-भार के अतिरिक्त, का निष्पादन करने के लिए बंदोबस्त आयुक्त नियुक्त करती है।

2. इसने 27 सितम्बर, 1982 की समसंख्यक अधिसूचना का अतिक्रमण किया जाता है।

[संख्या-1 (19)/वि.सै./82-एम. एम.-II]

रतन माल, अवर सचिव

### MINISTRY OF LABOUR & REHABILITATION

(Department of Rehabilitation)

New Delhi, the 18th June, 1984

S.O. 2545.—In exercise of the powers conferred by Sub-Section (1) of Section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (No. 44 of 1954), the Central Government hereby appoints Collectors, Additional Collectors and District Revenue Officers, Government of Tamil Nadu, as Settlement Commissioners for the purpose of performing, in addition to their own duties as Collectors, Additional Collectors, and District Revenue Officers, as the case may be, the functions assigned to them as Settlement Commissioners by or under the aforesaid Act.

2. This supersedes Notification of even number, dated the 27th September, 1982.

[No. 1(19)/Spl.Cell/82-SS.II]

RATTAN MAL, Under Secy.

नई दिल्ली, 6 जुलाई, 1984

का. आ. 2546.—विस्थापित व्यक्ति (प्रतिकर तथा पुनर्वासि) अधिनियम, 1954 (1954 का 44) की धारा 34 की उपधारा (2) के अन्तर्गत प्रदत्त शक्तियों का प्रयोग करते हुए, मुख्य बंदोबस्त आयुक्त इसके द्वारा इस विभाग के दिनांक 6 जुलाई, 1984 की अधिसूचना संख्या-17 (1) 74-एम. एम. II (खंड-II) (क) द्वारा संयुक्त मुख्य बंदोबस्त आयुक्त के रूप में नियुक्त सदस्य, राजस्व बोर्ड, उड़ीसा सरकार की निम्न शक्तियाँ सौंपते हैं :—

- (i) उक्त अधिनियम की धारा-23 के अन्तर्गत अपीलों की सुनवाई की शक्तियाँ।
- (ii) उक्त अधिनियम की धारा-24 के अन्तर्गत पुनरीक्षण की सुनवाई की शक्तियाँ।
- (iii) उक्त अधिनियम की धारा-28 के अन्तर्गत मामलों के हस्तान्तरण की शक्तियाँ।

[सं०-17(1) 74-एम. एम. II (खंड II) (ख०)]

ए० के० मुखर्जी, मुख्य बंदोबस्त आयुक्त

New Delhi, the 6th July, 1984

S.O. 2546.—In exercise of the powers conferred by Sub-Section (2) of Section 34 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (Act, No. 44 of 1954), the Chief Settlement Commissioner hereby delegates to the Member Board of Revenue, Government of Orissa, appointed as Joint Chief Settlement Commissioner, vide this Department's Notification No. 17(1) 74-SS.II(Vol.II)—(A), dated the 6th July, 1984, the following powers:—

- (i) Powers to hear appeals under Section 23 of the said Act.
- (ii) Powers to hear revisions under Section 24 of the said Act.



(iii) Powers to transfer case under Section 28 of the said Act.

[No. 17(1)/74-SS.II(Vol. II)-(B)]

A. K. MUKHERJEE, Chief Settlement Commissioner

का० प्रा० 2547.—विस्थापित व्यक्ति (प्रतिकर तथा पुनर्वास) अधिनियम, 1954 (1954 का 44) की धारा-3 के अन्तर्गत प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार इसके द्वारा सर्वस्य राजस्व बोर्ड, उड़ीसा सरकार को सर्वस्य, राजस्व बोर्ड, उड़ीसा के रूप में उनके अपने कर्तव्यभार के प्रतिष्ठित उड़ीसा राज्य के अन्तर्गत मुद्रावजा पूल की भूमि तथा संपत्तियों के संबंध में उक्त अधिनियम द्वारा प्रयुक्त उसके अधीन संयुक्त मुख्य बंदोबस्त प्रत्युक्त को सौंपे गये कार्यों का निष्पादन करने के लिये संयुक्त मुख्य बंदोबस्त प्रत्युक्त नियुक्त करती है।

[संख्या-17 (1) 74-एस. एस. II (खंड-II) (क)]

के० सी० गेहानी, उपसचिव

S.O. 2547.—In exercise of the powers conferred by Section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby appoints the Member, Board of Revenue, Government of Orissa as Joint Chief Settlement Commissioner for the purpose of performing, in addition to his own duties as Member, Board of Revenue, Government of Orissa, the functions assigned to a Joint Chief Settlement Commissioner by or under the said Act, in respect of the land and properties forming part of the Compensation Pool within the State of Orissa.

[No. 17(1) 74-SS.II(Vol. II)(A)]

K. C. GEHANI, Dy. Secy.

(श्रम विभाग)

नई दिल्ली, 13 जुलाई, 1984

का० प्रा० 2348.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 33-अ की उपधारा (2) के अधीन फाइल किये गये आवेदन, जो हमने उपावद्ध अनुसूची I में उल्लिखित है, श्रम मंत्रालय की अधिसूचना संख्या का. प्रा. 1973 दिनांक 26 मई, 1977 में विनिर्दिष्ट केन्द्रीय सरकार श्रम न्यायालय, नई दिल्ली के समक्ष लंबित है,

और भारत सरकार ने अधिसूचना संख्या एस. 11020/7/83-डी-1 (ए) (i) तारीख 6 जून, 1984 और एस. 11020/7/83-डी-1 ए दिनांक 26 जून, 1984 के द्वारा औद्योगिक विवाद अधिनियम की धारा 7 के अधीन कानपुर में एक श्रम न्यायालय गठित किया है जिसका न्याय क्षेत्राधिकार उत्तर प्रदेश राज्य क्षेत्र के ऊपर होगा ;

अतः, अब केन्द्रीय सरकार औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 33 ख की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त आवेदनों में संबंधित कार्यवाहियों को उक्त श्रम न्यायालय, नई दिल्ली से वापस लेती है और उन्हें उक्त श्रम न्यायालय, कानपुर को अन्तर्गत करती है। उक्त न्यायालय उन पर अभी प्रक्रम से कार्यवाही प्रारम्भ करेंगे जिससे वे उन्हें अन्तर्गत की गई है और विधि के अनुसार उनका निपटान करेंगे।

अनुसूची I

उन मामलों की सूची, जो केन्द्रीय सरकार श्रम न्यायालय,

नई दिल्ली के पास लंबित पड़े है और केन्द्रीय सरकार श्रम न्यायालय, कानपुर को अन्तर्गत किये जाते है :—

क्र०सं०	श्रम न्यायालय आवेदन संख्या
1	2
1. एल. सी. ए.	433/78
2. एल. सी. ए.	47/79

1	2
1. एल. सी. ए.	86/79
4. एल. सी. ए.	93/79
5. एल. सी. ए.	95/79
6. एल. सी. ए.	241/79
7. एल. सी. ए.	253/79
8. एल. सी. ए.	527/79
9. एल. सी. ए.	551/79
10. एल. सी. ए.	552/79
11. एल. सी. ए.	553/79
12. एल. सी. ए.	562/79
13. एल. सी. ए.	563/79
14. एल. सी. ए.	9/80
15. एल. सी. ए.	45/80
16. एल. सी. ए.	115/80
17. एल. सी. ए.	103/80
18. एल. सी. ए.	122/80
19. एल. सी. ए.	123/80
20. एल. सी. ए.	124/80
20. एल. सी. ए.	125/80
22. एल. सी. ए.	126/80
23. एल. सी. ए.	127/80
24. एल. सी. ए.	128/80
25. एल. सी. ए.	129/80
26. एल. सी. ए.	130/80
27. एल. सी. ए.	131/80
28. एल. सी. ए.	132/80
29. एल. सी. ए.	133/80
30. एल. सी. ए.	134/80
31. एल. सी. ए.	135/80
32. एल. सी. ए.	136/80
33. एल. सी. ए.	137/80
34. एल. सी. ए.	138/80
35. एल. सी. ए.	139/80
36. एल. सी. ए.	140/80
37. एल. सी. ए.	141/80
38. एल. सी. ए.	142/80
39. एल. सी. ए.	143/80
40. एल. सी. ए.	144/80
41. एल. सी. ए.	145/80
42. एल. सी. ए.	146/80
43. एल. सी. ए.	147/80
44. एल. सी. ए.	148/80
45. एल. सी. ए.	149/80
46. एल. सी. ए.	150/80
47. एल. सी. ए.	151/80
48. एल. सी. ए.	152/80
49. एल. सी. ए.	153/80
50. एल. सी. ए.	154/80
51. एल. सी. ए.	155/80
52. एल. सी. ए.	156/80
53. एल. सी. ए.	157/80
54. एल. सी. ए.	158/80
55. एल. सी. ए.	159/80
56. एल. सी. ए.	160/80

1	2	1	3
57 एल सी ए	161/80	110. एल. सी ए	2/83
58 एल सी ए	162/80	111. एल. सी. ए.	4/83
59 एल सी ए	163/80	112 एल. सी ए	17/83
60 एल सी. ए	164/80	113. एल सी ए	46/83
61 एल सी ए	165/80	114 एल सी ए.	47/83
62 एल सी ए	166/80	115 एल सी. ए	48/83
63 एल सी ए	167/80	116 एल. सी ए	49/83
64 एल सी ए	168/80	117 एल. सी ए	50/83
65 एल सी ए	169/80	118 एल. सी. ए	51/83
66 एल. सी ए	170/80	119 एल सी. ए	52/83
67 एल. सी ए	171/80	120 एल सी. ए	53/83
68 एल. सी ए	182/80	121 एल सी ए	54/83
69 एल. सी ए	185/80	122 एल. सी ए	55/83
70 एल. सी ए	196/80	123 एल. सी ए.	56/83
71 एल. सी ए	197/80	124 एल. सी. ए	57/83
72 एल. सी ए	350/80	125 एल. सी ए	58/83
73 एल. सी ए	351/80	126 एल. सी. ए	59/83
74 एल. सी ए	352/80	127 एल. सी. ए.	60/83
75 एल. सी ए	353/80	128 एल. सी ए.	61/83
76 एल. सी ए	354/80	129 एल. सी. ए	62/83
77 एल. सी. ए	355/80	130 एल. सी. ए	63/83
78 एल. सी ए	356/80	131 एल. सी ए	64/83
79 एल. सी ए	395/80	132 एल. सी. ए	65/83
80 एल. सी ए	434/80	133 एल. सी. ए	66/83
81 एल. सी ए	15/81	134 एल. सी. ए	67/83
82 एल. सी ए	47/81	135 एल. सी ए	68/83
83 एल. सी ए	49/81	136 एल. सी ए	69/83
84 एल. सी ए	87/81	137 एल. सी ए.	77/83
85 एल. सी ए	88/81	138 एल. सी ए	102/83
86 एल. सी ए	89/81	139 एल. सी ए	103/83
87 एल. सी ए	90/81	140 एल. सी ए	104/83
88 एल. सी ए	149/81	141 एल. सी. ए	106/83
89 एल. सी ए	180/81	142 एल. सी ए	107/83
90 एल. सी ए	181/81	143 एल. सी ए	108/83
91 एल. सी ए	209/81	144 एल. सी ए	109/83
92 एल. सी ए	210/81	145 एल. सी ए	110/83
93 एल. सी ए	211/81	146 एल. सी ए.	111/83
94 एल. सी ए	212/81	147 एल. सी ए	115/83
95 एल. सी ए	91/81	148 एल. सी ए	120/83
96 एल. सी ए	213/81	149 एल. सी ए	121/83
97 एल. सी ए	214/81	150 एल. सी ए	122/83
98 एल. सी ए	215/81	151 एल. सी ए	123/83
99 एल. सी ए	219/81	152 एल. सी ए	124/83
100 एल. सी ए	220/81	153 एल. सी ए	125/83
101 एल. सी ए	244/81	154 एल. सी ए	126/83
102 एल. सी ए	411/81	155 एल. सी ए	130/83
103 एल. सी ए	414/81	156 एल. सी ए	131/83
104 एल. सी ए	420/81	157 एल. सी ए.	132/83
105 एल. सी ए	429/81	158 एल. सी ए	144/83
106 एल. सी ए	438/81	159 एल. सी ए	170/83
107 एल. सी ए	439/81	160 एल. सी ए.	171/83
108 एल. सी ए	440/81	161 एल. सी ए.	174/83
109 एल. सी ए	441/81	162 एल. सी ए	202/83
		163 एल. सी ए	213/83

1	2	1	2
164 एल. सी. ए.	215/83	217. एल. सी. ए.	81/80
165 एल. सी. ए.	218/83	218. एल. सी. ए.	82/80
166 एल. सी. ए.	219/83	219 एल. सी. ए.	83/80
167 एल. सी. ए.	221/83	220 एल. सी. ए.	84/80
168 एल. सी. ए.	222/83	221 एल. सी. ए.	85/80
169 एल. सी. ए.	223/83	222. एल. सी. ए.	86/80
170 एल. सी. ए.	225/83	223. एल. सी. ए.	87/80
171 एल. सी. ए.	254/83	224 एल. सी. ए.	88/80
172 एल. सी. ए.	255/83	225 एल. सी. ए.	89/80
173 एल. सी. ए.	256/83	226 एल. सी. ए.	90/80
174 एल. सी. ए.	258/83	227 एल. सी. ए.	91/80
175 एल. सी. ए.	8/84	228 एल. सी. ए.	93/80
176. एल. सी. ए.	11/84	229 एल. सी. ए.	94/80
177 एल. सी. ए.	19/84	230 एल. सी. ए.	95/80
178 एल. सी. ए.	20/84	231 एल. सी. ए.	96/80
179 एल. सी. ए.	21/84	232 एल. सी. ए.	360/80
180. एल. सी. ए.	49/84	233 एल. सी. ए.	361/80
181 एल. सी. ए.	72/84	234 एल. सी. ए.	362/80
182 एल. सी. ए.	107/84	235 एल. सी. ए.	363/80
183. एल. सी. ए.	112/84	236 एल. सी. ए.	364/80
184 एल. सी. ए.	108/84	237 एल. सी. ए.	365/80
185 एल. सी. ए.	191/80	238 एल. सी. ए.	366/80
186 एल. सी. ए.	208/81	239 एल. सी. ए.	367/80
187 एल. सी. ए.	442/81	240 एल. सी. ए.	368/80
188 एल. सी. ए.	47/80	241 एल. सी. ए.	369/80
189. एल. सी. ए.	48/80	242 एल. सी. ए.	370/80
190 एल. सी. ए.	49/80	243. एल. सी. ए.	372/80
191 एल. सी. ए.	50/80	244 एल. सी. ए.	373/80
192 एल. सी. ए.	51/80	245 एल. सी. ए.	374/80
193 एल. सी. ए.	52/80	246 एल. सी. ए.	375/80
194 एल. सी. ए.	53/80	247 एल. सी. ए.	376/80
195 एल. सी. ए.	54/80	248 एल. सी. ए.	377/80
196 एल. सी. ए.	55/80	249. एल. सी. ए.	32/81
197. एल. सी. ए.	56/80	250. एल. सी. ए.	34/81
198 एल. सी. ए.	58/80		
199 एल. सी. ए.	59/80		
200 एल. सी. ए.	60/80		
201 एल. सी. ए.	61/80		
202. एल. सी. ए.	63/80		
203. एल. सी. ए.	64/80		
204 एल. सी. ए.	65/80		
205 एल. सी. ए.	66/80		
206 एल. सी. ए.	67/80		
207. एल. सी. ए.	69/80		
208 एल. सी. ए.	70/80		
209 एल. सी. ए.	71/80		
210 एल. सी. ए.	72/80		
211. एल. सी. ए.	74/80		
212 एल. सी. ए.	75/80		
213 एल. सी. ए.	76/80		
214. एल. सी. ए.	77/80		
215 एल. सी. ए.	78/80		
216 एल. सी. ए.	80/80		

[संख्या एस० 11020/7/83-डी० 1 (ए)]

श. ह. सु. अध्यक्ष, भवन सचिव

(Department of Labour)

New Delhi, the 13th July, 1984

S O. 2548.—Whereas applications filed under sub-section (2) of section 33-C of the Industrial Disputes Act 1947 (14 of 1947) mentioned in Schedule I hereto annexed, are pending before the Central Government Labour Court, New Delhi, specified in the Notification of the Ministry of Labour No S O 1973 dated the 26th may, 1977,

And whereas the Government of India have constituted, vide Notification No. S. 11020/7/83-D. I(A) (i) dated the 6th June, 1984 and S 11020/7/83-D I(A) dated the 26th June, 1984, a Labour Court at Kanpur under section 7 of the Industrial Disputes Act with jurisdiction over the State of Uttar Pradesh;

Now therefore, in exercise of powers conferred by sub-section (1) of section 33-B of the Industrial Disputes

Act 1947 (14 of 1947), the Central Government hereby withdraws the proceedings in relation to the said applications from the said labour Court, New Dehli and transfer the same to the said Labour Court, Kanpur and the said Labour Court Kanpur shall proceed with the proceedings from the stage at which they are transferred to it and dispose the same in accordance with the law.

#### SCHEDULE I

List of cases pending with the Central Government Labour Court, New Delhi to be transferred to the Central Government Labour Court, Kanpur.

Serial Labour Court Applications No.  
No.

1	2
1. LCA	No. 433/78
2. LCA	No. 47/79
3. LCA	No. 86/79
4. LCA	No. 93/79
5. LAC	No. 95/79
6. LCA	No. 241/79
7. LCA	No. 253/79
8. LCA	No. 527/79
9. LCA	No. 551/79
10. LCA	No. 552/79
11. LCA	No. 553/79
12. LCA	No. 562/79
13. LCA	No. 565/79
14. LCA	No. 9/80
15. LCA	No. 45/80
16. LCA	No. 115/80
17. LCA	No. 103/80
18. LCA	No. 122/80
19. LCA	No. 123/80
20. LCA	No. 124/80
21. LCA	No. 125/80
22. LCA	No. 126/80
23. LCA	No. 127/80
24. LCA	No. 128/80
25. LCA	No. 129/80
26. LCA	No. 130/80
27. LCA	No. 131/80
28. LCA	No. 132/80
29. LCA	No. 133/80
30. LCA	No. 134/80
31. LCA	No. 135/80
32. LCA	No. 136/80
33. LCA	No. 137/80
34. LCA	No. 138/80
35. LCA	No. 139/80
36. LCA	No. 140/80
37. LCA	No. 141/80
38. LCA	No. 142/80
39. LCA	No. 143/80
40. LCA	No. 144/80
41. LCA	No. 145/80
42. LCA	No. 146/80
43. LCA	No. 147/80
44. LCA	No. 148/80
45. LCA	No. 149/80
46. LCA	No. 150/80

1	2
47. LCA	No. 151/80
48. LCA	No. 152/80
49. LCA	No. 153/80
50. LCA	No. 154/80
51. LCA	No. 155/80
52. LCA	No. 156/80
53. LCA	No. 157/80
54. LCA	No. 158/80
55. LCA	No. 159/80
56. LCA	No. 160/80
57. LCA	No. 161/80
58. LCA	No. 162/80
59. LCA	No. 163/80
60. LCA	No. 164/80
61. LCA	No. 165/80
62. LCA	No. 166/80
63. LCA	No. 167/80
64. LCA	No. 168/80
65. LCA	No. 169/80
66. LCA	No. 170/80
67. LCA	No. 171/80
68. LCA	No. 182/80
69. LCA	No. 185/80
70. LCA	No. 196/80
71. LCA	No. 197/80
72. LCA	No. 350/80
73. LCA	No. 351/80
74. LCA	No. 352/80
75. LCA	No. 353/80
76. LCA	No. 354/80
77. LCA	No. 355/80
78. LCA	No. 356/80
79. LCA	No. 395/80
80. LCA	No. 434/80
81. LCA	No. 15/81
82. LCA	No. 47/81
83. LCA	No. 49/81
84. LCA	No. 87/81
85. LCA	No. 88/81
86. LCA	No. 89/81
87. LCA	No. 90/81
88. LCA	No. 91/80
89. LCA	No. 149/81
90. LCA	No. 180/81
91. LCA	No. 181/81
92. LCA	No. 209/81
93. LCA	No. 210/81
94. LCA	No. 211/81
95. LCA	No. 212/81
96. LCA	No. 213/81
97. LCA	No. 214/81
98. LCA	No. 215/81
99. LCA	No. 219/81
100. LCA	No. 220/81
101. LCA	No. 244/81
102. LCA	No. 411/81
103. LCA	No. 414/81
104. LCA	No. 420/81
105. LCA	No. 429/81
106. LCA	No. 438/81
107. LCA	No. 439/81

S.No.	Labour Court Applications No.	S.No.	Labour Court Applications No.
108. LCA	No. 440/81	170. LCA	No. 225/83
109. LCA	No. 441/81	171. LCA	No. 254/83
110. LCA	No. 2/83	172. LCA	No. 255/83
111. LCA	No. 4/83	173. LCA	No. 256/83
112. LCA	No. 17/83	174. LCA	No. 258/83
113. LCA	No. 46/83	175. LCA	No. 8/84
114. LCA	No. 47/83	176. LCA	No. 11/84
115. LCA	No. 48/83	177. LCA	No. 19/84
116. LCA	No. 49/83	178. LCA	No. 20/84
117. LCA	No. 50/83	179. LCA	No. 21/84
118. LCA	No. 51/83	180. LCA	No. 49/84
119. LCA	No. 52/83	181. LCA	No. 72/84
120. LCA	No. 53/83	182. LCA	No. 107/84
121. LCA	No. 54/83	183. LCA	No. 112/84
122. LCA	No. 55/83	184. LCA	No. 106/84
123. LCA	No. 56/83	185. LCA	No. 191/80
124. LCA	No. 57/83	186. LCA	No. 208/81
125. LCA	No. 58/83	187. LCA	No. 442/81
126. LCA	No. 59/83	188. LCA	No. 47/84
127. LCA	No. 60/83	189. LCA	No. 48/80
128. LCA	No. 61/83	190. LCA	No. 49/80
129. LCA	No. 62/83	191. LCA	No. 50/80
130. LCA	No. 63/83	192. LCA	No. 51/80
131. LCA	No. 64/83	193. LCA	No. 52/80
132. LCA	No. 65/83	194. LCA	No. 53/80
133. LCA	No. 66/83	195. LCA	No. 54/80
134. LCA	No. 67/83	196. LCA	No. 55/80
135. LCA	No. 68/83	197. LCA	No. 56/80
136. LCA	No. 69/83	198. LCA	No. 58/80
137. LCA	No. 77/83	199. LCA	No. 59/80
138. LCA	No. 102/83	200. LCA	No. 60/80
139. LCA	No. 103/83	201. LCA	No. 61/80
140. LCA	No. 104/83	202. LCA	No. 63/80
141. LCA	No. 106/83	203. LCA	No. 64/80
142. LCA	No. 107/83	204. LCA	No. 65/80
143. LCA	No. 108/83	205. LCA	No. 66/80
144. LCA	No. 109/83	206. LCA	No. 67/80
145. LCA	No. 110/83	207. LCA	No. 69/80
146. LCA	No. 111/83	208. LCA	No. 70/80
147. LCA	No. 115/83	209. LCA	No. 71/80
148. LCA	No. 120/83	210. LCA	No. 72/80
149. LCA	No. 121/83	211. LCA	No. 74/80
150. LCA	No. 122/83	212. LCA	No. 75/80
151. LCA	No. 123/83	213. LCA	No. 76/80
152. LCA	No. 124/83	214. LCA	No. 77/80
153. LCA	No. 125/83	215. LCA	No. 78/80
154. LCA	No. 126/83	216. LCA	No. 80/80
155. LCA	No. 130/83	217. LCA	No. 81/80
156. LCA	No. 131/83	218. LCA	No. 82/80
157. LCA	No. 132/83	219. LCA	No. 83/80
158. LCA	No. 144/83	220. LCA	No. 84/80
159. LCA	No. 170/83	221. LCA	No. 85/80
160. LCA	No. 171/83	222. LCA	No. 86/80
161. LCA	No. 174/83	223. LCA	No. 87/80
162. LCA	No. 202/83	224. LCA	No. 88/80
163. LCA	No. 213/83	225. LCA	No. 89/80
164. LCA	No. 215/83	226. LCA	No. 90/80
165. LCA	No. 218/83	227. LCA	No. 91/80
166. LCA	No. 219/83	228. LCA	No. 93/80
167. LCA	No. 221/83	229. LCA	No. 94/80
168. LCA	No. 222/83	230. LCA	No. 95/80
169. LCA	No. 223/83	231. LCA	No. 96/80

## S. No. Labour Court Applications No.

232. LCA	No. 360/80
233. LCA	No. 361/80
234. LCA	No. 362/80
235. LCA	No. 363/80
236. LCA	No. 364/80
237. LCA	No. 365/80
238. LCA	No. 366/80
239. LCA	No. 367/80
240. LCA	No. 368/80
241. LCA	No. 369/80
242. LCA	No. 370/80
243. LCA	No. 372/80
244. LCA	No. 373/80
245. LCA	No. 374/80
246. LCA	No. 375/80
247. LCA	No. 376/80
248. LCA	No. 377/80
249. LCA	No. 32/81
250. LCA	No. 34/81

[No. S-11020/7/83-D.I(A)]  
S H S. IYER, Under Secy.

New Delhi, the 19th July, 1984

S.O. 2549.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur in the industrial dispute between the employers in relation to the Divisional Railway Manager, Western Railway, Ratlam and their workman which was received by the Central Government on the 6th July, 1984.

BEFORE JUSTICE SHRI K. K. DUBE (RETD.) PRESID-  
ING OFFICER, CENTRAL GOVERNMENT INDUS-  
TRIAL TRIBUNAL-CUM-LABOUR COURT,  
JABALPUR (M.P.)

Case No. CGIT/LC (R)(54)1983

## PARTIES :

Employers in relation to the management of Divisional Rail Manager, Western Railway Ratlam and their workman, Shri Balai S/o Shri Dhanai, C/o. Shri Sohanlal Kanaiyalal, Old Railway Colony 468 Road No. 8 Near Chhota Girja, P.O. and District Ratlam (M.P.).

## APPEARANCES :

For workman—None.

For mangement—Shri P. K. Mendhe, Advocate.

INDUSTRY : Railway — DISTRICT : Ratlam (M.P.)

## AWARD

Dated : June 30, 1984

The Central Government in exercise of its powers under Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), referred the following question for adjudication by this Tribunal :—

“Whether the action of the Divisional Rail Manager, Western Railway, Ratlam in stopping Shri Balai son of Shri Dhanai, a substitute Khalasi from employment w.e.f. 21-10-1980, without issue of any notice or payment of retrenchment compensation in violation of Section 25 of the Industrial

Disputes Act, is justified ? If not, to what relief the workman is entitled ?”

2. Balai was working under C.T.C.I. Western Railway, Ratlam, from 24-5-1978. According to the statement filed by him he had worked for 328 days prior to his termination. He was therefore, entitled to be regularised and if the Railways chose to terminate his services it could only be done by following the procedure prescribed under Section 25F of the Industrial Disputes Act. During the pendency of the dispute it appears that the workman also instituted a civil suit before the Civil Judge, Class II, Ratlam, for declaration that the order of the Railways was void and he should be deemed to be continuously in service.

3. The Railway management has taken a sympathetic view of Balai case and has taken him on duty by an order dated 13-3-1984. Before taking him on duty they have taken an undertaking in writing from Balai that he would forego any claim with respect to the termination of his services. Balai by an undertaking given on 13-3-1984, a photo stat copy of which has been filed, agreed that he would not make any claim whatsoever with respect to his termination once he is taken on employment. This certainly includes claims to retrenchment compensation and back wages. It appears that because of such undertaking Balai has not appeared before this Tribunal. The Railway Official, Shri Chandra Shekhar Menaria, Court Clerk of the D.R.M. Office Western Railway, Ratlam, who entered in witness box, stated that he was conversant with Balai's case and that Balai has been reinstated. He also informed that the civil suit challenging the order of termination was also settled. There is no reason to disbelieve Shri C. S. Menaria. Since Balai has been taken in services this part of the reference as to the justifiability of his termination is rendered wholly academic. Since he has agreed to forego any other claim with respect to the order of termination. The relief part also becomes infructuous.

## ORDER :—

This reference is accordingly rendered on the following terms :

Balai be taken on services. Management stated that he has been taken in services. Since he has foregone claims to compensation and back wages the same are disallowed. There shall be no order as to costs.

K. K. DUBE, Presiding Officer.

[No. L-41012(41)/82-D.II(B)]

T. B. SITARAMAN, Under Secy.

New Delhi, the 20th July, 1984

S.O. 2550.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Dhanbad in the industrial dispute between the employers in relation to the mangement of Baulia Limestone Quarries of M/s. Sone Valley Portland Cement Co. Ltd., Japla and their workmen, which was received by the Central Government on the 7th July, 1984.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL (NO. 2) AT DHANBAD

Reference No. 35 of 1981

In the matter of an industrial dispute under S. 10(1)(d) of the I.D. Act, 1947.

## PARTIES :

Employment in relation to the management of Baulia Lime-stone Quarry of Messrs. Sone Valley Portland Cement Company Limited, Japla, and their workmen

## APPEARANCES :

On behalf of the employers—Shri Jai Krishna, Advocate.

On behalf of the B.Q.M.S.—Shri B. Lal, Advocate.

On behalf of the B.Q.R.M.S.S.—None.

STATE : Bihar.

INDUSTRY : Limestone

Dhanbad, dated, 29th June, 1984

## AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them under section 10(1)(d) of the ID. Act., 1947 has referred the following dispute to this Tribunal for adjudication under Order No. L-29024/3/81-D.III(B) dated the 2nd June, 1981.

## SCHEDULE

“Whether the action of the management of Baulia Limestone Quarry of Messrs, Sone Valley Portland Cement Company Limited, P.O. Baulia (Rohtas) in declaring lockout in their Baulia Limestone Quarry with effect from 13th April, 1981 is unjustified? If so, to what relief the workmen are entitled?”

The case of the management is that the Sone Valley Portland Cement Co. Ltd. (hereinafter called S.V.P.C or the Company) is engaged in the manufacture of cement. It has one cement factory at Rohtas, known as Rohtas Cement Factory. There is a limestone quarry owned by the same company situated at Baulia at a distance of about 5 to 6 km. from the Rohtas Cement factory. The said quarry is known as Baulia Limestone Quarry. The Cement in Rohtas Cement factory is manufactured from the limestone received from Baulia Limestone quarry. The said Baulia limestone quarries the captive mine of the cement factory and the cement factory exclusively depends for the supply of limestone from the said Baulia Limestone quarry. The limestone industry was declared a public utility service. On 10-3-81 in contravention of section 22 of the I. D. Act., 1947 there was a lightning and illegal strike resorted to by the contractors labourers who were engaged in the power house unit of the company for the purpose of unloading, carrying and feeding coal to the power house for generating electricity for consumption in the cement factory and Baulia limestone quarry of the Company. It is stated on behalf of the management that the contractors labourers working in the power house of the Company who were members of H.M.S. Union went on lightning strike without giving previous notice of the strike and that the said illegal strike was further aggravated at the instance of Shri Harihar Singh, MLA claiming himself to be the President of Japla Labour Union. The management informed the authorities concerned about the illegal strike resorted to by the Union. No legal or justified demand was made on behalf of the said union prior to the resorting of the strike. The said strike of the union was not peaceful and the union leaders brought criminals from outside armed with deadly weapons endangering the working of the mine and the factory and created a reign of terror inside and outside working place of the Company. The unruly element resorted to sabotage by damaging boiler No. 6 and bi-cable ropeway and also jammed the railway tract so that the railway wagon loaded with coal may not proceed in the power house. In view of the unruly situation created by the contractors labourers and outside criminals the cement industry was not able to run without exposing itself to great jeopardy affecting its assets. The management was thrust upon to declare lock-out firstly in the Cement factory on 9-4-81 and subsequently in the limestone quarry on 13-4-81 in as much as the workers led by the union and outside criminal elements forcibly entered inside the factory and resorted to the assault of the loyal workers and created a reign of terror. The management gave notice in the prescribed form M dated 8-4-81 giving the circumstances under which the lock-out was imposed. It is submitted on behalf of the management that the reasons assigned in the annexure to

the notice in the prescribed form M and also annexure B series to the W. S. filed on their behalf will indicate that the lock-out was thrust upon the management and the management was constrained to declare lock-out. The allegations that the lock-out was declared for the purpose of demoralising and starving of the workmen is without any basis. A true copy of the annexures are appended to the W. S. of the management. The Cement factory and the limestone quarry are two units of the same establishment belonging to the same employer and the product of the quarry is being mainly used and utilised by the factory and as such on account of the illegal strike in the factory resulting in stoppage of the power generation, the working of the limestone quarry was also paralysed. As the situation aggravated, the risk of lives of the loyal workers and officers as well as damages to the property of the management increased and the management had no option but to impose lock-out in Baulia limestone quarry as well from the morning of 13th April, 1981. The management acted bonafidely to impose lock-out for protecting the lives and properties of the persons working and the assets of the company. The lock-out was wholly justified in as much as the workmen themselves had resorted to an illegal strike and as such the workmen are not entitled to any relief.

W. S. have been filed on behalf of the workmen represented through B.Q.M.S., and workmen represented through B.Q.R.M.S.S. The case of the workmen represented through these unions is almost the same. Their case is that Baulia limestone quarry and Rohtas Cement factory are two different and distinct establishment of the Company. The workmen of Baulia limestone Quarry had not ever gone on strike. They were working peacefully during the relevant period and there was perfect industrial peace prevailing in the quarry. The management declared lock out in the quarry without any reasonable and valid ground in order to demoralise them and force them to face starvation. The management could have worked the quarry even if there was a strike in one of its units in the Cement factory. The grounds mentioned in the notice of the lock-out dated 12-4-81 was not legal and valid for declaring the lock-out in the Baulia limestone quarry. The notice of lock out in the quarry was in utter violation of the provisions of Industrial Disputes Act. There was no shortage of coal for running the power house. The strike of the contractors workers in the Cement factory on 10-3-81 was not illegal. It is not correct that the workmen had become violent or that they had created a reign of terror. As the lock-out in the quarry was illegal and unjustified the workmen are entitled to full wages and allowances for the period of lock-out. On the above facts it is prayed on behalf of the workmen that the lock-out be declared unjustified and the management be directed to pay full wages and allowances to the workmen for the entire period of lock-out.

The points for determination in this reference are the following :—

1. Whether Rohtas Cement Factory and Baulia Limestone quarry are one establishment?
2. Whether the strike in the cement factory was legal?
3. Whether the lock-out in Baulia limestone quarry w.e.f. 13-4-81 was justified?

A large number of documents have been exhibited on behalf of the management in order to establish that Rohtas Cement factory and the Baulia limestone quarry are one establishment. Although during the evidence stage in the case the parties were in great controversy over the question whether the cement factory and the quarry were one establishment or not and as such the management had devoted its evidence seriously in establishing their case that the quarry and the cement factory are one establishment belonging to the company. During the course of argument the learned Advocate appearing on behalf of the workmen did not seriously contest on this issue and built up his argument on other facts and points of law. However, I would like to

discuss the above issue which was raised by the parties in the beginning but was not seriously contested on behalf of the workmen at the time of argument. In view of the above situation I do not propose to deal with the matter in great details. I would like to discuss the matter in nutshell.

As held in SCLJ Vol. II P-1004 by their Lordships of the Supreme Court in the case between the Associated Cement Co. Limited and their workmen, the relation between the limestone quarry and the factory to prove that they are one establishment can be considered from several points of view such as (1) Ownership, (2) Control and supervision, (3) Finance, (4) Management and employment (5) Geographical proximity and (6) General unit of purpose and functional integrality with particular reference to the industrial process of making cement. The management has adduced the oral evidence of MW-1 Shri Gobardhan Prasad Singh Dy. Manager, Industrial Relations and MW-2 Shri P. N. Singh, Asstt. Mines Manager of Baulia limestone quarry on the above points. The management has also adduced a large number of documents in order to prove the above points. MW-1 and MW-2 have stated that the S.V.P.C. Co. Ltd. is the owner of Japla Cement factory and Baulia limestone quarry. Even WW-1 Shri Jadubans Singh who is the General Secretary of B.Q.M.S. has stated in his cross-examination that Baulia limestone quarry and Japla Cement factory belong to the said Company i.e. S.V.P.C. Co. Ltd. Thus it appears from the oral evidence that the S.V.P.C. Co. Ltd. is the owner of Baulia limestone quarry and Japla Cement factory. Ext. M-35 is the annual report of S.V.P.C. Co. Ltd. for the year 1979, M-61 (in two volumes) are annual reports of the said Company for the year 1980 and 1981 respectively of the said Company. These reports which are balance-sheets will also show that the cement factory and Baulia limestone quarry both belong to S.V.P.C. Co. Ltd. Ext. M-7 is the notice of lock-out of Japla Cement factory in Form M and Ext. M-11 is the notice of lock-out in the Baulia limestone quarry in Form M which will show that that S.V.P.C. Co. Ltd. is the owner of Rohtas Cement Factory and Baulia limestone quarry. Ext. M-62 is the memorandum of settlement dated 12-7-82 between the management of S.V.P.C. Co. Ltd., Baulia limestone quarry and B.Q.M. Sangh under section 12(3) of the ID Act and M-63 is the minutes of discussion dated 3-9-83 held by Shri K. Sharan, Joint Chief Labour Commissioner (C) with the representatives of limestone quarry of M/s. S.V.P.C. Co. Ltd. and B.Q.M. Sangh regarding implementation of the Award including interim award of the Board of arbitrators for cement industries which also will show clearly that M/s. S.V.P.C. Co. Ltd. is the owner of Rohtas Cement Factory and Baulia limestone quarry. In view of the above oral and documentary evidence there is no room for doubt that S.V.P.C. Co. Ltd. is not the owner of Rohtas Cement Factory and Baulia limestone quarry.

The case of the management is that the control and supervision of the cement factory of the quarry is in the hands of almost the same sets of officers. MW-1 who is the Deputy Manager industrial relations has stated that he looks after the industrial relations work of both the factory and the limestone quarry and that Shri Harihar Tewary who is head of the personnel department of S.V.P.C. Co. Ltd. look after the work of Japla Cement Factory and that of Baulia limestone quarry. He has further stated that Shri R. V. P. Singh, Deputy Manager, Personnel looks after the day to day personnel work of the factory and the quarry. He has further stated that Shri K. P. Singh is the President of S.V.P.C. Co. Ltd. who looks after the factory and the quarry. He has further stated that appointment, transfer and termination of services of a workman of the quarry and the cement factory is done with the approval of the President and that transfer from quarry to cement factory and vice-versa is done by the approval of the President of the Company. He has specifically stated that the same set of officers supervise and control the work of the quarry and the factory details of which he has stated earlier in his evidence. He has stated that there is no separate set for the management and supervision of the work of the quarry and the factory. MW-3, Office Supdt. of Baulia limestone quarry has stated that the working of Baulia limestone quarry and Japla Cement factory are inter-

dependant. Exts. M-1 dated 10-3-81, M-2 dated 11-3-81, M-3 dated 17-3-1981, M-4 dated 24-3-1981, M-5 dated 30-3-1981, M-6 dated 7-4-1981, M-7, dated 8-4-1981 and M-8 dated 8-4-81 are the letters and notices issued by the Works Manager of S.V.P.C. Co. Ltd. in respect of Japla Cement Factory. Notice Ext. M-11 dated 12-4-81, letters Ext. M-4 dated 5-5-81, M-17 dated 22-5-81 and M-20 dated 12-6-81 have been issued by the Company in respect of Baulia limestone quarry a reading of which will show that the supervision and control of Baulia limestone quarry is that of S.V.P.C. Co. Ltd. Ext. M-13 dated 15-4-1981 is a letter from the ALC (C) to the Secretary, Baulia Co-operative Society Ltd. revoking the licence under the contract Labour Act, 1970 dated 31-5-75 granted to the Baulia Co-operative Society Ltd. A copy of the said letter was sent to S.V.P.C. Co. Ltd. which also will show that Baulia limestone quarry was under the control and supervision of the S.V.P.C. Co. Ltd. Ext. M-15 dated 11-5-81 is a letter from Shri Jadubans Singh (WW-1), General Secretary, B.Q.M. Sangh to the Supdt. of Mines, S.V.P.C. Co. Ltd. in respect of the dispute regarding the departmentalisation of the workers employed through the so-called contractors, Baulia Cooperative Society Ltd. under which a request was made that the so-called contractors workers should be made regular departmental employees under the Company. This letter of the Secretary of the Union who is representing the workmen of Baulia limestone quarry shows that as S. V. C. Co. Ltd. was in control and supervision of the quarry this letter was addressed for regularising the so-called contractors workers as departmental employees under the Company, Ext. M-62 is the memorandum of settlement dated 12-7-1982. This was a settlement between the management of S. V. P. C. Co. Ltd. owner of Baulia limestone quarry with Baulia Quarries Mazdoor Sangh. One of the signatories to Ext. M-62 on behalf of the management was Shri Harihar Tewary, Personnel Manager. MW-1 has stated that Shri Harihar Tewary is the Head of the Personnel Department of S.V.P.C. Co. Ltd. and looks after the work of Japla Cement Factory and that of Baulia limestone quarry. The said evidence finds support from Ext. M-62 as Shri Harihar Tewary, Personnel Manager has signed the memorandum of settlement in respect of Baulia limestone quarry. Thus, it will appear that S.V.P.C. Co. Ltd. manages, supervises and controls Baulia limestone quarry and that the officers of the factory also look after Baulia limestone quarry. In view of the above evidence it will appear that the control and supervising of Baulia limestone quarry and Rohtas cement factory is in the hands of the same set of officers of the S.V.P.C. Co. Ltd.

According to the management, the finance of the quarry and the cement factory is under the control of the Company. MW-1 has stated that there is a common bank account for the factory and the quarry and is operated by the President, Vice-President (Admn.) and Vice-President (Production) and that the wage sheet of the workmen of the quarry is prepared in the quarry and the wage sheet of the workers of the factory is prepared in the factory but the payment is made from the common fund to the workers of the quarry and the factory. He has further stated that the provident fund of the workers of the quarry and the factory are dealt with at the same place at Japla and bears the same code No. allotted by the P.F. authority. In cross-examination at page-4 MW-1 has stated that no separate account is maintained for the cement factory and the account is maintained in the name of S.V.P.C. Co. Ltd. Ext. M-35, M-61 are balance-sheets of S.V.P.C. Co. Ltd. for the years 1979 to 1981. It will appear from these balance-sheets that the income and expenditure of Baulia limestone quarry and Rohtas Cement factory are treated as income and expenditure of S.V.P.C. Co. Ltd. and that the said Company controls and finances the Rohtas Cement Factory and Baulia limestone quarry. Ext. M-46 dated 3rd December, 1980 is the letter from the Director to the Vice-President (Admn.), S.V.P.C. Co. Ltd. in respect of the limestone quarry. This has been filed to show that the financial control of the quarry is by the S.V.P.C. Co. Ltd. Ext. M-50 is the letter dated 11th November, 1980 including trial balance of March, 1981 in respect of Limestone quarry. Ext. M-55 is the letter dated 2nd March, 1981 from the Vice-President (Admn.) to the whole time Director, Baulia Quarry by which a statement of account of Baulia branch was sent. Ext. M-56 is a letter dated 21st January, 1981 from the Whole time Director to



the Vice President (Admin.) S.V.P.C. in respect of cash requirement for the limestone quarry which indicates that finance for the quarry was arranged by S.V.P.C. Co. Ltd. Ext. M-58 is a memo dated 2-12-80 from Assistant Accounts Officer to the Wholtime Director of Baulia Quarry by which the trial balance of the quarry as on 31.8.80 and 30.9.80 were called for preparation of final accounts. WW-1 Shri Jadubans Singh has stated at page-2 of his cross-examination that the balance sheet of S.V.P.C. Co. Ltd. is commonly prepared in respect of Baulia limestone quarry and Japla Cement factory on the basis of a separate account supplied for Baulia Limestone quarry. the management has got a balance sheet Ext.M-35 for the year 1979 exhibited through WW-1 and has taken from him that at page-31 the accounts of Baulia limestone quarry is given in Ext. M-35. On the above oral and documentary evidence it is clear that the finance of Baulia Limestone quarry and the Rohtas Cement factory is controlled by M/s S.V.P.C. Co. Ltd. and income and expenditure of both the quarry and the factory are treated as income and expenditure of S.V.P.C. Co. Ltd. It will also show that the management was maintaining one common account for both the factory and the quarry and the financial and other requirement of the quarry were being met from the factory.

The evidence of MW-1 will show that transfer from quarry to Cement factory and vice-versa is done by the approval of the President of the Company. It will thus appear from his evidence that a workman may be transferred from the quarry to the Cement factory and vice-versa indicating that both form part of the same establishment. Ext. M-41 dated 21st March, 1974 is an order of transfer under the signature of Secretary (Works) S.V.P.C. Japla showing that Shri Raghu Rai Singh, Armature Winder, Electric department of Cement factory was transferred to Baulia Quarries in the electric and Water Supply department and Shri Raghu Rai Singh was directed to report for duty to the quarry Manager, Baulia. Ext. M-42 dated 21st March, 1974 is an other transfer order by the Secretary (Works) S.V.P.C. Co. Ltd. to Shri Kedar Nath Sinha Sanitary Inspector of Japla Cement Factory which shows that Shri Kedar Nath Sinha was transferred to Baulia limestone quarry in the Sanitation Department from Japla Cement factory. Ext. M-43 dated 2nd June, 1982 is another transfer order by which Shri Hari Narayan Pathak, Operator of the Ropeway section was transferred to the limestone quarry. It will thus appear from the above evidence that workmen used to be transferred from Baulia Limestone quarry to the Japla Cement factory and workmen from Japla Cement factory used to be transferred to Baulia limestone quarry leading to a conclusion that the factory and the quarry are the same establishment and as such transfer were being made by the management.

It will appear from the evidence of MW-1 that there is a distance of about 5 to 6 km between the quarry and the cement factory intervened by river Sone. Admittedly, the limestone from the quarry is taken to the Japla Cement factory through a ropeway. It is not disputed that the limestone from the quarry is not taken to the Japla Cement factory through the Ropeway. Thus the geographical proximity of the limestone quarry from the Japla Cement factory is not in dispute.

It will appear from the evidence of MW-1 that production of cement is the main object of the Cement factory and the limestone which is the main raw material in the manufacture of cement is supplied from the quarries. The object of Baulia limestone quarry and the Cement factory is the production of Cement. It will thus appear that there is unity of purpose of the limestone quarry and the cement factory. It will also appear from the evidence that limestone is the principal raw material for the manufacture of Cement and Japla Cement factory is solely dependent for the supply of limestone from the Baulia limestone quarry. It has been tried to be taken in the cross-examination on behalf of the workmen that limestone from Baulia quarry was also supplied to some other cement factories but on careful reference to the evidence the situation appears to have been explained. MW-1 has stated at page-5 of his deposition that the "Production of Baulia quarry is not sold to any other concern, sometime limestone of Baulia quarry has been sold to the other concern when there was accumulation. The same was sold during the period of Sahu Jain There is

no share of Sahu Jain in S.V.P.C. Co. Ltd. since October, 1979". From the evidence it appear that Sahu Jain was under the management of S.V.P.C. and as such Sahu Jain had taken limestone of Baulia quarry for his other concern. It was a rare occasion when the limestone of Baulia quarry was sold to other concern and that will not indicate that the limestone of Baulia quarry was sold to other concern. In fact MW-1 has asserted that Baulia Quarry is the captive mine of Japla Cement factory. The workmen did not seriously dispute as to the general unity of purpose and functional integrity of cement factory and the Baulia limestone quarry.

Ext. M-35 and M-61 which are annual reports of S.V.P.C. Co. Ltd show that the quarry and the factory function as one unit. Ext. M-45 and M-47 are production reports from the works manager of the factory to the whole time Director of Baulia in which there is a remark by the Works Manager that the quality of limestone is below the requirement of the Cement factory and that the quality has dropped and a direction was made to improve it. These two Exts. show functional integrity between the Cement Factory and the limestone quarry. Ext. M-48 and M-49 are requisitions from the limestone quarry to the Store Keeper of Japla Cement Factory for supply of articles which also show that there is functional integrity between the two and the requirement of quarry are supplied by the stores of the Japla Cement factory. Besides that MW-1 has stated that the balance sheet for the factory and the quarry is commonly prepared. MW-1 has further stated that if the work of Japla Cement factory is stopped the working of Baulia limestone quarry is affected and vice-versa and that the power house at Japla cement factory supplies electric energy to the quarry also. He has also stated that the Provident Fund of the workers of the quarry and the factory bear the same code No. allotted by the Provident Fund authority and that the trustee is common for both. He has stated that there is a common bank account for the factory and the quarry and is operated by President, Vice President (Administration) and Vice President (Production) and that the payment is made from the common fund to the workers of the quarry and the factory. The evidence of MW-2 will also show that the functioning of the Cement factory depend on the functioning of the quarry and vice-versa. In view of all the evidence discussed above, I hold that there is functional integrity between the limestone quarry and the Cement factory. Ext. M-64 is an award dated 28th May, 1983 between M/s S.V.P.C. Co. Ltd. and Baulia limestone quarry workmen in which also it was decided that the cement factory and the quarry constitute part of the same establishment.

In view of the test discussed above it will appear that the Baulia limestone quarry and Japla Cement factory are one establishment of the company.

The next point to be considered is whether the strike in the Cement factory was legal. Section 24 of the I.D. Act deals with illegal strike and lock out. It provides that a strike or a lock-out shall be illegal if (i) it is commenced or declared in contravention of section 22 or section 23 or (ii) it is continued in contravention of an order made under sub-section 3 of section 10 or sub-section 4 (A) of section 10 (A). Clause 3 of section 24 provides that a lock out declared in consequence of an illegal strike or a strike declared in consequence of an illegal lock out shall not be deemed to be illegal. Section 22 as is referred to in Section 24 of the Act provides prohibition of a strike and lock out. According to section 22 of the I.D. Act no person employed in a public utility service shall go on strike in breach of contract (a) without giving to the employer notice of a strike as hereinafter provided within six weeks before the strike or (b) within 14 days of giving such notice or (c) before the expiry of the date of strike specified in any such notice as aforesaid or (d) during the pendency of a conciliation proceeding before the conciliation officer and 7 days after conclusion of such proceedings. It is submitted on behalf of the management that Rohtas Cement industry was declared to be a public utility service and as such no workman could go legally on strike without giving notice of a strike to the employer as provided under section 22 of the I.D. Act and in absence of any such notice the strike would be illegal under section 24 of the I.D. Act, 1947, the question, therefore, is whether the workmen who had gone on a strike were employed in a public utility

service. Ext M 44 is the notification of the Government of Bihar dated 3-12-1980 by which Cement Industry in the State of Bihar was declared to be a public utility service for a period of six months from 10-12-80. Admittedly, the strike of the contractor's workers started on 10-3-81 was within the period of six months from 10-12-80 and as such there is no doubt that Japla Cement Industry was a public utility service at the alleged time of strike. It is also admitted by the parties that no notice of strike was given by the contractor's workers before going in a strike on 10-3-1981.

The question which arises on the above facts is whether the lightning strike which started on 10-3-81 was illegal. If the strike was illegal, action of the management may be quite lawful in declaring a lock-out in the establishment of S.V.P.C. Ltd. Ext. M-1 is a letter written by the Works Manager of S.V.P.C. Co. Ltd to Deputy Commissioner, Palamau informing him that the contractor's workers have gone on lightning strike since 7 A.M. of 10th March, 1981. Ext. M-2 is another letter of the Works Manager of the Company to the Labour Commissioner, Govt. of Bihar in which also it is stated that the contractor's workers led by Japla Labour Union (BMS) went on illegal strike without any reason or notice to the management from 7 A.M. of 10th March, 1981. Ext. M-3 & M-5 are other letters from the management to the Labour Commissioner and Labour Minister which also are to the same effect stating that the contractor's workers went on illegal strike from 7 A.M. of 10th March, 1981. It will be clear from these letters that the contractor's workers had gone on lightning strike on 10th March, 1981. I would refer to the oral evidence as to who are these contractor's workers who went on lightning strike on 10th March, 1981. It will appear from the evidence of MW-1 at page 3 that on 10th March, 1981 the contractor's labour went on a strike in Japla Cement Factory without any information. He has stated that the cement factory is a public utility service but Baulia quarry is not a public utility service. At P-5 of his deposition he has stated that no notice of the strike was given to the management when the contractor's labourers went on strike. At page 6 he has stated that the authorities concerned were informed in respect of the strike by the contractor's workers. He has further stated that permanent workers of S.V.P.C. Co. Ltd. did not go on strike from 10th March, 1981 and that the Company had not given any information to the Government in respect of a strike of the workers of the cement factory as they had not gone on strike. He stated that there were four/five contractors viz. Rozan Ali, Rajan Singh Yadav, Lalchand Choudhury, and Pandey & Co. whose workers had gone on a strike. MW-2 who is the Asstt. Mines Manager has clearly stated that Co's employees of Japla Cement factory and Baulia limestone quarry had not gone on strike. In para 3 of the W.S. of the management it is stated that there was a lightning and illegal strike resorted to by the Union led by its labour leader on 10th March, 1981 without any notice.

There is no mention in the W.S. of the management that the Co's own employees either of the Cement factory or Baulia quarry had gone on strike on 10-3-81. From the evidence discussed above it will appear that only the contractor's labourers had gone on lightning strike on 10-3-81 without giving any notice of a strike to the management. It will appear from Ext. M-1 that due to non supply of contractor's workers the feeding of the power house was affected and boiler ash also got jammed in the boilers. It will also appear from Ext. M-2 that due to non supply of contractor's workers feeding of coal into boiler was greatly affected and boiler ash got jammed and that the power house may stop at any moment resulting into complete stoppage of production and essential service like supply of electricity, water supply, hospital sanitation etc. From annexure-A of the W.S. of the management it will appear that handling of coal into boiler was stopped and due to non feeding of coal into the boiler from 3 P.M. on 7-4-81 power generation at Japla was very limited and that the limited stock of coal available inside the power house exhausted resulting in complete stoppage of power generation in the power house, of the Company. I have referred to the above evidence in order to show that the contractor's labourers which had gone on a lightning strike on 10-3-81

were working in the power house section of the management and their work was confined to the handling of coal for feeding the boiler generating the electric power for the use of the cement factory and Baulia limestone quarry. It is also clear from the evidence discussed above that on 10-3-81 only the contractor's labour had gone on lightning strike and that the management's own employees either of the Cement factory or of the quarry had not gone on strike.

In evidence the management had tried to show that the Company's workmen of the Japla Cement factory also had subsequently gone on a strike. MW-1 has stated in para-6 of his cross-examination that the direct employees of the factory had also gone on a strike. He has further stated that some of the direct employees of the factory had gone on a strike from 14-3-81 and some from 17-3-81 and that the information was given to the Government regarding the strike by the employees of the factory when they had gone on strike from 14-3-81 and 17-3-81. There is no specific mention in the W.S. of the management that Company's employees had ever gone on a strike. It is stated in para-8 of the W.S. of the management that outside elements forcibly entered into the factory and resorted to assault of the loyal workers and created a reign of terror. In para-11 it is stated that the criminal activities resorted to by the union and outside criminal elements aggravated the risk of life of the workers and officers as well as damages to the property of the management which led the management to impose a lock out. Ext. M-7 dated 8-4-81 is the notice of lock out of the factory and Ext. M-8 is its annexure stating the reasons of lock out in the factory. Ext. M-8 will show that the contractor's workers went on an illegal strike from 7 A.M. of 10-3-81 without giving any prior notice. It further states that a large number of outside anti-social elements started camping in the factory area from 12-3-81 and created obstruction in the smooth working of the factory by forcibly stopping the willing workers. It further states that on 17-3-81 Bombs and fire arms were openly used to terrorise the willing workers in the colony and two workers received bullets injury and that the partial permanent workers joined illegal strike from 17-3-81 to 25-3-81. From the facts quoted above from Ext. M-8 it will appear that the willing employees of the Factory had not gone on strike but were prevented from attending the work by the union and outside criminal elements but even if it is taken that the employees of the factory had gone on partial strike their strike did not last long. It will appear from Ext. M-8 itself that on the intervention of the S.P. Daltongunje and on assurance of Shri Harihar Singh, MLA in writing that he will maintain industrial peace, the management agreed that on victimisation will be done to any worker and started taking contractor's labour as per requirement as agreed by Shri Harihar Singh and adviser by S.P. Daltongunje. It further adds that the partial strike by the permanent workers as well as contractor's workers except contractor's labourers manually engaged for loading/unloading and transporting of raw materials resumed duties on 26-3-81. Thus the strike in respect of which MW-1 has referred was called on 26-3-81 and the permanent employees of the factory had resumed their duties and as such there was no strike by the permanent employees of the factory and the quarry after 26-3-81 and before lock out was declared by the Company by its notice dated 8-4-81 with effect from 9-4-81 in the Cement factory and with effect from 13-4-81 in the quarry MW-1 has stated at page-6 that the Company had given an information to the Government regarding the number of workers of the Company who had gone on a strike. He has further stated that the Company has filed papers to show that the direct employee of the factory had gone on a strike and that an information was given to the Government regarding the strike of the workers of the factory when they had gone on strike on 14th and 17th March, 1981. Obviously the copy of such information sent to the Government has not been produced in the case to show the names and number of Company's employees

working in the Cement factory who had gone on strike. Had the employees of the factory in fact gone on a strike, MW-2 would not have stated in his cross-examination that the Company's employees of Japla Cement factory had not gone on a strike. The fact that there is no specific mention in W.S. of the management that the workmen of the factory had also joined the strike on any specific date. Shows that the factory employees had not gone on strike and that they were forced to absent at the instance of striking workers and the supporters. But even if the management's case is accepted that the workers of the Cement factory had also gone on partial strike, the said strike did not continue and all the workers joined duty on 26-3-81. In view of the evidence discussed above it will appear that only the contractors labourers were continuing the strike when the lock out in the factory was declared w.e.f. 10-4-81.

Admittedly, the contractors labour had gone on strike from 10-3-81 without any notice of strike. It is submitted that the Cement industry being the public utility service, the strike by the contractors labour without notice as required under section 22 of the I. D. Act, 1947 was illegal and as such the Company was quite lawful in declaring lock out in the factory and the quarry which are one establishment of the management. The cement industry including Rohtas Cement factory was admittedly a public utility service on the date the contractors labour went on strike. The strike of the contractors labour would be illegal only if they were employed in a public utility service. According to the management the power house in which the contractors labour were engaged to work being part of the cement industry was a public utility service. According to the union the power house in which the contractors labour had gone on strike was not a public utility service and hence there was no prohibition of such workmen going on a strike under section 22 of the I. D. Act, 1947 Section 2(n) of the I. D. Act defines public utility service. It includes in clause (iv) industry which supplies power, light or water to the public. The word "which supplies power to the public" in section 2(n) (iv) is significant. Power if supplied to the public that is to say, not to the industry of which the power house is a unit can be brought under the meaning of public utility service. There might be cases where any section of an industrial establishment may be considered as public utility service. Such cases are given in section 2(n) (ii) of the Act where it says that any section of an industrial establishment, on the working of which the safety of the establishment or the workmen employed therein depends. Certainly the very working of the cement industry depends upon the supply of power but section 2(n)(ii) of the I. D. Act does not include within its ambit any industry of which the very working of the production depends. The conclusion, therefore, is that the power house of the Company supplying power not to the public in general but to the very industry of which it is an unit, cannot be included within the definition of public utility service. I hold, therefore, that the contractors labour who had gone on lightening strike without notice on 10-3-81 were exclusively working in the power house of the Company and were not the workmen of any public utility service and as such their strike without notice on 10-3-81 cannot be said to be illegal under section 24 of the I. D. Act.

In view of my findings above, the contractor's workers were not the workmen of any public utility service and as such their strike was not illegal and consequently the lock out declared by the management on the basis of the said strike does not appear to be lawful.

Lock out can be described as antithesis of strike and is a corresponding weapon in the armoury of the employer. Just as the strike is a weapon available to the employees for enforcing their industrial demand, lock out is the weapon available to the employer to persuade the workers by coercive pressure to agree to their points of view. If the employer shuts down his place of business as a means of reprisal or an instrument of coercion or as a mode exerting pressure on the employee or generally speaking, when his act is what may be called an act of belligerency, there would be lockout. The

liability of the employer in case of lockout would depend upon whether the lockout was justified and legal or not. Thus it appears that the employer declares a lockout to persuade the striking workers by coercive process to agree to their points of view. In the present case, as the evidence stands, it will appear that only the contractors labour in the power house unit of the Company had gone on strike and that the Company's employees of the Cement factory and quarry had not gone on strike. The question, therefore, is as to how by declaring lockout in the entire establishment, the Company was going to exercise pressure on the employees to agree to the point of view of the Company by the coercive process of lock out. The Company's workmen of the factory and the quarry had not gone on strike and were continuing to work and as such there was no need for the management to exert a coercive process against them as they were already working in the factory and the quarry. The lockout would have been justified in the entire establishment if there was some evidence to show that the workmen of the factory and the quarry had some concert with the striking contractors labour. Admittedly, the Company's workers had not taken up the grievances of the contractors labour and as such it is too much to presume that the Company's workmen of the factory and the quarry had any common cause with the contractor's labour in continuing the strike so as to force them to come to work by declaring lockout.

WW-1 Shri Jadubans Singh, General Secretary of B.Q. M. Sangh. He has stated that Japla Labour Union was functioning in Japla Cement factory only. Thus the Labour union working in Baulia quarry was a different union from the union working in Japla Cement factory. Annexure B-1 dated 11-3-81 to the W. S. filed on behalf of the management will show that the contractors workers led by Japla Labour Union (BMS) went on illegal strike from 10-3-81 without any reason and notice to the Company. WW-1 Shri Jadubans Singh has stated that he was Secretary of Japla Labour Union affiliated to BMS which was functioning in Japla Cement factory and that the lockout was declared by the management in Baulia limestone quarry in order to put a pressure on him. No doubt Shri Jadubans Singh was the General Secretary of Baulia quarries mazdoor sangh and was also the Secretary of the Japla Labour Union affiliated to HMS functioning in Japla Cement Factory but the two unions working in the quarry and the cement factory were different. It will also appear from annexure B-1 of the management's W.S. that the contractors labour who had gone on strike in the power house unit of the Company were members of Japla Labour Union (BMS) which was a third union. The Labour Union which was representing the contractors labour was different from the unions representing Company's employees in Japla Cement Factory and Baulia Limestone quarry. The Company, therefore, could not press Japla Labour Union (BMS) which was leading the strike of contractors labour in the power house by declaring a lock out in the factory and the quarry which were being led by unions different from the union which was leading the strike of the contractor's labour in the power house. This also will indicate that the management could not use the weapon of lockout in the factory and the quarry to persuade the union which was leading the contractor's labour in the power house. The discussion made above will show that the management could not purposefully use the weapon of lock out in the factory and the quarry in order to force the contractors labour of the power house to come to terms with the management. The lock out, therefore, could not justifiably be used against the Company's workmen of the factory and the limestone quarry. The strike by the contractors labour in the power house was by the persons who were outsiders and not the employees of the Company and as such the lock out in the factory and the quarry against the Company's own employees who had not gone on strike, cannot be justified.

It will appear from the evidence that due to the strike of the Contractors labour coal could not be provided to generate electricity in the power house. Admittedly, the said power house used to supply electricity to Japla Cement factory and Baulia limestone quarry and as the production of electricity could not be maintained due to the strike,

the work in the factory and the quarry naturally stopped. The management, in these circumstances, was not in a position to run the Cement factory or the quarry. It was suggested to MW-1 on behalf of the Union as to why the Company did not declare lay off when the Company was unable to run the Cement factory and the Baulia Quarry due to lack of electricity. MW-1 stated that "We did not lay off because we could not have paid the money and we would not have utilised the product of the quarry." This evidence of MW-1 has disclosed the mind of the company as to why it declared lock out and not lay off. I have already found above that the strike by the Contractors labour in the power house was not illegal and as such the declaration of lock out by the Company was not lawful and justified. However, as it had become difficult to continue the working of the factory and the quarry because of the strike in the power house it was open to the Company to declare lay off but as it appears from the evidence of MW-1 that the Company was not inclined to pay lay off compensation and as such it chose to declare lock out in the factory and the quarry so that it may not have to pay any amount to their own workmen employed in the factory and the quarry. The evidence of MW-1, thus shows the motive as to why the Company had declared lock out and that 'Cat is out of the bag' in as much as his evidence shows that the Company did not like to pay the lay off compensation to the workmen when the management was not in a position to give work to the workmen of the factory and the quarry.

In view of the evidence discussed above I hold that the lock out declared in Baulia Limestone quarry w.e.f. 13.4.81 was not lawful and justified.

Even if the strike by the contractors labour in the power house unit of the Company was illegal (although I have found that the said strike was not illegal) the lock out in the cement factory and the quarry cannot be said to be justified. From the evidence discussed above it will appear that the Company's workmen of the factory and the quarry were not on a strike and as such, even if the strike of the contractors labour was illegal, the declaration of lock out against the Company's own workmen working in the factory and the quarry could not be held to be justified. The workmen of the factory and the quarry were, in a sense, with the Company and the Company was not justified in depriving them of their wages when they were willing workers and had no concern with the contractors labour who were outsiders and not company's workmen.

In view of the facts, evidence and circumstances discussed above, I hold that the action of the management of Baulia Limestone Quarry of Messrs. Sonc Valley Portland Cement Company in declaring lock out in their Baulia Limestone Quarry w.e.f. 13.4.81 is not justified. As the lock out was not lawful and justified, the workmen of the Baulia Limestone Quarry are entitled to their entire wages and other allowances during the period of lock out.

This is my Award.

I. N. SINHA, Presiding Officer  
[No. I-29024/31/81-D III(B)]  
NAND LAI, Under Secy

New Delhi, the 20th July, 1984

S.O. 2551.—In pursuance of section 17 of the Industrial Disputes Act 1947 (14 of 1947) the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Bombay in respect of complaint under Section 33A of the said Act filed by the General Secretary, State Bank Workers Organisation which was received by the Central Government on the 11th July 1984.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT BOMBAY**

Complaint No. OGIT-3 of 1982

(Arising out of Reference No. OGIT 28 of 1981)

## PARTIES

General Secretary, State Bank Workers Organisation  
Arun Bhawan Temple Bazar Road, Sitabuldi,  
KARNPUR

Complainant

Vs

The Chief Regional Manager, State Bank of India  
Regional Office, Kingsway NAGPUR

Opponent

## APPEARANCES

For the Complainant—Mr. S. P. Chaudhary, Vice President

For the Opponent—Mr. S. R. Risbud, Officer JMG

INDUSTRY Banking STATE Maharashtra  
Camp Nagpur

Nagpur, the 17th April, 1984

## ORAL AWARD

This is a complaint filed by the complainant under section 33-A of the Industrial Disputes Act 1947 complaining that during the pendency of reference No. OGIT 28 of 1981 the complainant was proceeded against in departmental proceedings and that he was punished by an order dated 20th September, 1982 without following the procedures under Section 33-A and that thereby there was a change effected in the service conditions and contravened the provisions of Section 33 which is the basis of the present complaint.

2. A charge sheet was served upon the complainant Shri Joshi, dated 18th March 1981 containing several items of charges. Reference No. OGIT-28 of 1981 was in connection with action taken against the workman debaring him from promotion for a period of two years. The said reference was made by the order of reference No. I 12012/5/81 D. IFA dated 17th December, 1981, and was decided by the award of the Tribunal on the 29th August 1983. As will be seen the proceedings against the complainant were commenced admittedly and clearly during the pendency of the reference and the order of punishment was also made on the 20th September, 1982 before the award was made.

3. The complainant said that the bank vide its letter dated 18th March, 1981 made several allegations against the complainant of which items nos. (iii) & (iv) related to the controversy which was the subject matter of reference No. OGIT 28 of 1981. It was the complaint of the complainant that an ex parte inquiry was held against him on the 16th April 1981, and he was informed on 20th September 1982 that a punishment of stoppage of four annual increments with cumulative effect was imposed upon him. It is his further case that he has not received any communication till the date of the hearing and was also not supplied with the copies of the documents produced before the inquiry officer. The substance of the grievance, therefore, is that the punishment imposed upon him of stoppage of four increments with cumulative effect without an application under Section 33(1)(b) when the inquiry was pending was a contravention of the provisions of Section 33 and that a change was effected in the service conditions of complainant thereby failure to follow the provisions of Section 33 sub-section (1)(b) was illegal and the complaint therefore he lodged into. The complainant also prayed that the bank may be directed to prove its misconduct before the Tribunal. It may be mentioned in this context that before the commencement of the hearing of this complaint the bank was asked to say whether it was prepared and ready and willing if necessary to prove the misconduct before the Tribunal. The representative of the bank Mr. Risbud after taking instructions stated that the bank was satisfied with the arguments and statements which were being made in its behalf and that it did not want to prove the misconduct before the Tribunal.

4. The bank contended that the provisions of Section 33 were not attracted and that the misconduct with which the complainant was charged and was proceeded against and ultimately punished was a misconduct not connected with the proceedings. It was not disputed that the reference was pending before the Tribunal and both the inquiry as well as the punishment order was made before the award was made on the 29th of August, 1983, and was published in the Gazette of India dated 15th October, 1983.

5. The only question, therefore, which is relevant is whether the misconduct for which the complainant was proceeded against departmentally was connected or was not connected with the dispute. There were also some subsidiary and ancillary questions as to whether the misconduct charged amounted to gross misconduct or minor misconduct. However, in the view which I have taken on the first part of the question it is not really necessary to go into the second aspect though I will be briefly dealing with it.

6. The answer to the question whether the misconduct inquired into was connected with the dispute or otherwise can be ascertained and considered upon a perusal of the award and the chargesheet and the contentions of the parties raised before the Tribunal is Reference No. CGIT-28 of 1981. Turning to the award the order of reference clearly required the Tribunal to adjudicate upon the question "whether the order debaring the complainant from promotion for a period of two years from 2-10-1980 was justified and if not to what relief he was entitled." It would, however, be wrong to think or conclude that the order of reference determines what was the dispute with which was referred to the Tribunal. That cannot be construed or looked upon as a single item of dispute or singularly. In other words, the reference order cannot be said to be confined to the mere order dated 2nd October, 1980. The circumstances in which the order was passed, the antecedents and what led to the order and the setting in which the final order came to be passed alternatively are matters which are the subject matter of the dispute. The reference order cannot be looked at in isolation.

7. The circumstances which led to the dispute raised in reference No. CGIT-28 of 1981 were the complainant was a cashier working in the State Bank of India, Nagpur main branch. He was offered the post of an Asstt. Head Cashier by memorandum dated 1st July, 1980. The complainant made a reply and raised certain contentions and it appears that he did not agree to be transferred to the Central Avenue Road Branch. On the 26th September, 1980 his name was removed from the muster-rolls of the main branch. The complainant then went on a hunger strike from 26th September 1980. After some intervention a settlement, it appears, was reached and the complainant was allowed to resume duty at the Nagpur main branch on the 3rd October 1980. The present charge-sheet was served upon him on 18th March, 1981.

8. We may first reproduce the provisions of Section 33(1) (a) & (b) which are applicable. There is no question of sub-section (2) of Section 33 being called in this case as the complainant was not punished with a discharge or dismissal or otherwise and it is also not the case of the complainant that the inquiry was unconnected with the dispute. No application has been made either for approval or for express permission. The provisions of Section 33(1)(a) and (b) run as follows :—

"During the pendency of any conciliation proceeding before a conciliation officer or a Board or of any proceeding before an arbitrator or a Labour Court or Tribunal or National Tribunal in respect of an industrial dispute, no employer shall:—

(a) in regard to any matter connected with dispute, alter, to the prejudice of the workmen concerned in such dispute, the conditions of service applicable to them immediately before the commencement of such proceedings; or

(b) for any misconduct connected with the dispute, discharge or punish, whether by dismissal or otherwise any workmen concerned in such dispute save with the express permission in writing of the authority before which the proceeding is pending."

9. It will thus be seen upon a perusal of sub-section (1) (b) of Section 33 that where the misconduct is connected with the dispute the employer has to obtain an express permission in writing of the authority for the action proposed, while where the misconduct is not connected with the dispute the employer has to make an application for approval and follow certain other provisions thereto in the case of discharge or dismissal.

10. If we go to the award, after setting out the terms of the reference the Tribunal observed that the first question which fell for its determination was "whether the workman was justified in refusing the offer of appointment as Asstt. Head Cashier as made by the management by its letter dated 1-7-1980." The Tribunal proceeded to observe that "that management did not appoint the workman immediately to the post of Asstt. Head Cashier" by the letter dated 1st July 1980. It then refers to certain correspondence and reply of the complainant and then concluded that "after this reply was given by the workman it appears that no any order appointing the workman to C.A.R. Branch was made. At any rate it is not produced on record." It will thus be seen that according to the Tribunal after the complainant's reply dated 3rd July, 1980 there was no order appointing the workman to C.A.R. Branch.

11. The Tribunal then proceeded to consider whether the removal of the name of the complainant from the muster-roll on the 26th September 1980 amounted "to refusal for accepting the transfer". In paragraph 8 the Tribunal again stated that "the letter of the bank dated 1-7-1980 was not a transfer order as such." It, however, held that there was adequate notice to the complainant and his refusal to accept the transfer was not justified. The Tribunal has held that it was a proposal to transfer, as pointed out earlier, and not an actual transfer order. Finally the Tribunal found that there was no corresponding provision for punishing the complainant for refusing the post of an Asstt. Head Cashier and, therefore, debaring from promotion of Joshi is unjustified. This award has been accepted by the bank and Mr. Risbud for the bank stated that the award has also been implemented.

12. In other words, therefore, the subject of controversy in reference No. CGIT-28 of 1981 was the bank's proposal to appoint & transfer Joshi as Asstt. Head Cashier in the Central Avenue Road branch, his not accepting the offer leading consequently to the action of debaring Joshi from promotion.

13. We may now turn to the charge-sheet which was served upon Joshi on the 18th March 1981. The charge-sheet contains seven heads of charges, but it is not necessary to deal with the other heads of charges excepting items Nos. (iii) & (iv). The other items of charge, it may be said, may not be connected with the dispute. Items Nos. (iii) & (iv) of the charge are as follows :—

"(iii) That you wrongfully refused to accept the Branch Memo. No. BM : ADM : 0845 of 28th July, 1980 conveying your selection as Assistant Head Cashier and posting you at our Central Avenue Road (Nagpur) Branch.

(iv) That when you were finally treated as relieved from Nagpur Branch as at the close of business on 25-9-1980 by taking suitable remark against your name in the Attendance Register and was not allowed to perform any duties at Nagpur Branch from the above date you wrongfully and unjustifiably went on indefinite hunger strike from 26-9-1980 to 2-10-1980 in contravention of the established and accepted procedure framed by the Bank for redressal of grievances in terms of provisions of Desai and Sastry Awards, thereby wilfully disregarding the

Bank's usual norms prescribed for the purpose and considerably tarnishing the image and reputation of the Bank and the management in the minds of staff in particular and public in general."

Item No. (iii) clearly falls into two parts. The first section of the complainant on the 28th July 1980 as an Asstt. Head Cashier and second is his posting or transfer at the Central Avenue Road, branch. Item No. (iv) relates to a subsequent conduct subsequent to the removal of his name from the muster-roll on the 25th September 1980. From what I have discussed above and pointed out from the extracts of the award it will be clearly seen that both these figured materially in the discussion and the subject matter of the dispute in reference No. CGIT-28 of 1981. The question whether the complainant, in fact, was transferred to the Central Avenue Road branch as an Asstt. Head Cashier and the question whether the complainant was appointed or promoted as an Asstt. Head Cashier by the State Bank of India was the central part of the controversy. The Tribunal found that he was not promoted as such as an Asstt. Head Cashier and no order transferring the complainant and posting him as an Asstt. Head Cashier at the Central Avenue Road branch was made.

14. That this was the subject matter of the controversy was also clearly understood, in my opinion, both by the complainant and the bank before the Tribunal in reference No. CGIT-28 of 1981. The statement of claim as well as the written statement of the bank in that reference are not produced in this complaint. However, the Tribunal in its award summarised and referred to them in paragraph 2 so far as the workman is concerned and in paragraph 5 so far as the bank is concerned. What was contended by the Workers' Union, referred to as 'Organisation' in that reference, is set out in para 2. It says that Joshi was proposed to be transferred to the Central Avenue Road branch as an Asstt. Head Cashier on probation and "the workman was asked to inform by return of post whether he was related to any member of the staff then working at the branch. The workman replied to this memo by his letter dated 3-7-1980....." The Tribunal then referred to the contentions set out by the workman and how he was not liable to be transferred, and stated that "the workman, according to the bank, refused to receive the order of his transfer to the Central Avenue Road Branch. The bank, therefore, made a remark at the muster-roll of the workman on 25th September, 1980, stating that he was transferred to C.A.R. Branch..."

15. In para 5 of the award of the bank's contentions are summarised. It will be seen that the bank was also reiterated and pointed out what was the subject matter of the dispute. It stated that the workman "refused to receive the transfer order and the relieving order which relieved him from the branch as at the close of the business on 25-9-1980..... There was, therefore, no alternative for the employer to effect the service of the order of transfer passed in his case in the fashion in which it was done, "viz., removing his name from the muster-roll. It will thus be seen that according to the bank also the employee was transferred as an Asstt. Head Cashier to the C.A.R. branch which he refused to join.

16. The order passed the punishing authority on the 20th September 1982 says that an inquiry was directed against Joshi and show-cause notice issued to him on the basis of the finding of the inquiry officer that all the charges against the employee were proved excepting charge No. (ii) and that he was called upon to show cause why he should be punished with stoppage of four increments. To that also no cause was shown and the punishing authority, therefore, decided upon stoppage of four increments, with cumulative effect commencing from the salary of the employee from 4th May, 1982.

17. In view of what I have discussed above it is clear that the subject matter of the dispute before the Tribunal in CGIT Reference No. 28/81 was the proposed appointment of Joshi or promotion as an Asstt. Head Cashier and subsequent orders of his transfer as Asstt. Head Cashier to C.A.R. branch were the subject matter and reason for the action taken on 2nd October, 1980, debarring Joshi from any further promotions for a period of two years. The very same matter at least in part formed the subject of domestic inquiry.

It seems to me that the connection advanced by the bank that the inquiry held against Joshi was in respect of charge unconnected with the dispute takes a too narrow view of the matter. The expression "connected with the dispute" is capable of a wider connotation as well as of a narrower meaning. It is not synonymous or equivalent with the subject of dispute nor does it mean that the connection with the subject matter of reference or dispute can be indirect. The link between the two must be live and there must be an organic connection between the subject matter of the dispute and the misconduct.

18. Applying this test it is quite clear that the third item of charge is closely connected with the subject matter of the dispute which was the subject of reference No. CGIT-28 of 1981. As I have pointed out the heart of the controversy in that reference was the question whether Joshi was promoted and appointed as an Asstt. Head Cashier and consequently whether as such he was posted to the C.A.R. branch. From what I have indicated above, the Tribunal found that there was no order appointing him as Asstt. Head Cashier and the letter dated 1st July 1980 did not, in fact, appoint him to that post. That after the reply given by the workman dated 3rd July 1980 "no order appointing the workman to C.A.R. branch was made." The Tribunal pointed out that the letter dated 1st July 1980 was in the nature of an inquiry and that a regular of promotion order and transfer order ought to have followed. It asserted this position further observing in para 8 that the letter of the bank was not a "transfer order as such and that the contemplated transfer" did not take place in five days with effect from 1-8-1980. It also pointed out that no order has been produced before it and it, therefore, held impliedly that there was no such transfer order.

19. To hold otherwise and to uphold the contention of the bank that the inquiry was not connected with the dispute would mean in view of the finding of guilty of charge No. (iii) that Joshi was selected as Asstt. Head Cashier and was also posted and transferred to the C.A.R. branch. The mere reference to the memo dated 28th July 1980 which he is said to have wrongly refused to accept informing of selection and posting as Asstt. Head Cashier does not make it unconnected with the dispute. After all the question was whether he was selected and transferred whether by letter or proposal dated the 1st July 1980 or 28th July 1980 or by any other subsequent document which the bank could have produced and was bound to produce before the Tribunal. As the Tribunal has said that no such order has been produced before it and no appointment as such ever came. It is clear that if one existed and was made it would have been produced before the Tribunal.

20. It would be in the test of these findings that if the inquiry and punishment were to be allowed to stand and the punishment of workman upheld if it is held that the dispute was unconnected with the subject matter of the reference. It would amount to permitting the Bank to nullify the award itself which it has accepted by a back door ruse of an inquiry, ostensibly unconnected with the dispute. I am, therefore, unable to accept the contention of the bank and it must be held that the inquiry at least in part was connected with the subject matter of the dispute and, therefore, the bank was liable and it was obligatory for it to file an application and obtain express permission in writing of the Tribunal before proceeding to punish Joshi in terms of Section 33(1)(b). The bank having contravened that provision the order passed must be held to be illegal. It is true that the charges in the order of charge dated 18th March 1981 number seven. As I pointed out, two only are clearly connected with the dispute. But, it is not permissible in the present case since no separate punishment is awarded for each of the charge to separate the punishment so that any part of the punishment can be allowed to stand. The order of punishment is composite and one inseparable. It is not possible for any one excepting the punishing authority to decide what would have been the punishment with regard to each of the various items of charge. It has not chosen to do so and the order must stand or fall together.

21. I will now briefly refer to the question whether any of the misconducts alleged against the workman was gross misconduct or minor misconduct. What are minor misconducts

and what are major misconducts are set out in the Sastry award paragraph 521. Punishment for gross misconducts and minor misconducts vary for persons found guilty of gross misconduct stoppage of increment is provided for by way of punishment. For minor misconducts increment stoppage is permitted, but only for a period not more than six months. The present punishment is of stoppage of increment for a period of four years. It has to be therefore for a gross misconduct.

22. Now it is difficult to think that all these misconducts which are enumerated in the charge-sheet dated 18th March 1981 are gross misconducts. As to under which of the gross misconducts the action of the employee falls it was stated on behalf of the bank that it falls under clause (j). Clause (j) refers to "doing any act prejudicial to the interest of the bank, or gross negligence or negligence involving or likely to involve the bank in serious loss." It would, therefore, be necessary, for the bank not merely to show that the act committed by the employee was prejudicial to the interest of the bank, but that it is more or less likely to involve the bank in serious loss. There can be no question of gross negligence or negligence in the present case and none was alleged. There is nothing to show that any such serious loss was caused or was likely to be involved by the act of the complainant Joshi. The punishment, therefore, also can be said to be unjustified, but that would not be a matter which would properly fall within the scope of an inquiry under Section 33-A. The result, therefore, is that the order of the bank stopping four increments of complainant Joshi dated 22nd September, 1982 is illegal and it has to be held to be bad.

23. Award accordingly. No order as to costs.

R. D. TULPULE, Presiding Officer.  
[No. L-12025/10/83-D.II(A)]

New Delhi, the 20th July, 1984

S.O. 2552.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Bombay in the industrial dispute between the employers in relation to the State Bank of India, Nagpur and their workmen, which was received by the Central Government on the 16th July, 1984.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No. 1 AT BOMBAY**

Reference No. CGIT-30 of 1981

**PARTIES:**

Employers in relation to State Bank of India.

AND

Their Workman

**APPEARANCES:**

For the employer :—Mr. A. A. Khan, Officer-in-Charge, Disciplinary Cell.

For State Bank Workers Organisation—Mr. S. P. Chaudhari, Vice President.

**INDUSTRY : Banking**

**STATE : Maharashtra**

**Camp : Nagpur**

Nagpur, dated the 8th day of March, 1984

**ORAL AWARD**

This is a reference made under Section 10 sub-section (1)(d) of the Industrial Disputes Act, 1947, by which the action of the State Bank of India in debarring M. B. Gupta for two years from 2nd December 1980 from further promotion on account of his refusal is challenged. The reference is in these terms :—

## THE SCHEDULE

Whether the action of the management of State Bank of India, Nagpur in promoting Shri M. B. Gupta to the post of Head Clerk vide its memorandum No. BM/ADM : 1326 dated the 22nd October, 1980 in Jawaharnagar Branch and on his refusal debarring him for two years from the 2nd December, 1980 is justified? If not, to what relief is the workman concerned entitled?"

2. Gupta was a Clerk in the Nagpur branch of the State Bank of India. It appears that a vacancy occurred in the Jawaharnagar branch of the State Bank of India somewhere in October, 1980 and an offer was made to Gupta of that post of Head Clerk. He first asked for certain clarifications and upon obtaining such clarifications offered to communicate the consent or otherwise. A reply was sent to him and a subsequent letter was sent to him by the management. His counter reply was treated as refusal and he was meted out with the punishment dated the 2nd December, 1980, of debarring him from promotion for a further period of two years. The workman then won the reference and that is how the question of the justification of the action is now before us.

3. The workman in his statement of claim made four broad points. He firstly contended that the post of a Head Clerk is not a promotional post, that the post of Head Clerk is to be offered on the basis of zonal seniority amongst Clerks and that he was not the seniormost. He also further contended that the offer made to him of the promotion prescribed that he would be on probation for a period of six months which condition according to him was illegal, and lastly that the offer of the post of a Head Clerk was mala fide as a person senior to him by name Thorat, the bank desired to retain and, therefore, it was he who was offered the post. He also says that he complained against the selection and appointment of Thorat, a Telex Operator and that Thorat was not competent and was a favourite of the bank's management. It seems that the contention is that in order that Thorat should not be moved out of Nagpur and should be retained in the Nagpur branch where perhaps he could have been subsequently appointed as he when the normal vacancy in the Nagpur branch arose, that the offer of appointment as a Head Clerk was made to Gupta at Jawaharnagar which is near Bhandara about 40 miles from Nagpur, this would have involved his moving out of the place. Therefore, this offer was mala fide and the management, therefore, would not be justified in imposing the penalty.

4. By its written statement the bank contended that the post of a Head Clerk is a promotional post. It carries with it higher and heavier responsibilities for which a special allowance is given and no different skill is prescribed. The bank admitted that the post of the Head Clerks is to be offered according to the zonal seniority and that Gupta was not the seniormost, but it contended that there were no mala fides and that Thorat is quite competent as a Telex Operator who was also a Typist qualified for that appointment. The bank contended that it was not illegal for it to appoint Thorat for the post of Telex Operator in place of the present workman who was not qualified.

5. As regards the contention that the bank was not entitled to impose a probation of six months it contended that since the post of Head Clerk is promotional and "the suitability of an employee working as a Head Clerk is to be tested on probation of six months" before he is appointed on a regular basis the bank was justified in imposing a probation to be undergone. It said further that this imposition of condition of six months of probation was "perfectly in accordance with the provisions of the award" and cannot be considered as an error on the part of the management. It may be mentioned that though the charge that the promotion offered to Gupta and not offered to Thorat was mala fide is not in so many words spelt out, that is in substance the contention from the averments in parts 12 to 17 of the statement of claim. It may be further mentioned that with regard to allegations in para 17 that Thorat was continued "in the officiating capacity till such a long period during which Clerk-cum-Typists, senior to Thorat were posted as Head Clerks in the various branches in the zone" and his appointment as Telex Operator "in supersession of seniority



of other Clerk cum Typists is motivated at favouritism (sic) and snafus of favouritism." does not appear to be specifically denied. The bank, however, clearly stated that there were no mala fides on its part "in offering the post of a Head Clerk at Jawaharnagar to Gupte".

6. Before we proceed to deal with the material question involved in this reference a few established facts may be stated. Clerical grade in the State Bank of India from which the Head Clerks are appointed carries a grade of Rs. 325-20-1040. There is no separate scale as such for the post of Head Clerk but that when a person is appointed as a Head Clerk the post carries with it a special allowance of Rs. 200/-. That seems to be the basis for the contention raised that the post of a Head Clerk is a promotive Post.

7. On the 22nd October, 1980, a memo was served on Gupte informing him that Head Office has decided to transfer him "permanently to Jawaharnagar branch as Head Clerk on 6 months' probation." He was then asked to state whether he was prepared to accept or refuse "the promotion" within a period of 8 days failing which he will be debarred "from promotions/higher appointments in the award or non-award category without prejudice to bank's right to transfer." It will thus be seen that the memorandum itself though in para 2 invites him to communicate his willingness or otherwise to this promotion does not say in terms that Gupte was proposed to be promoted as Head Clerk and placed on probation for a period of 6 months. The position, however, seems to have been understood that this was a promotion between the parties for Gupte himself in his reply dated the 29th October, 1980, sought certain clarification. He however, made it clear that he was not the seniormost employee and that he was superseding an employee senior to him. He, therefore, asked for a copy of the seniority-list and also stated that he should not be placed on probation as that the post of a Head Clerk does not constitute any change in the grade "except that the post attracts the special allowance for discharging the duties of higher skill."

8. In reply to this communication Gupte was informed that "you are the seniormost Clerk in zonal seniority list and hence they have considered your name as Head Clerk". His demand for a copy of the zonal seniority list was not considered as also exemption from probation for 6 months. He was asked to furnish his reply (consent or otherwise) within three days and on his failing to accept the post of a Head Clerk at Jawaharnagar the impugned order came to be passed. I will have occasion to refer to this memorandum dated 29th November, 1980, a little later.

9. The question as to the seniority list and the relative position of Gupte and Thorat in the seniority list may at this stage be dealt with and disposed of. In the statement of claim paragraph 15 the workman contended that "Thorat was, as a matter of fact, seniormost candidate." In answer to this the bank in its reply paragraph 10 has come out with a case which has not been substantiated before me either by reference to any rules, circulars or instructions that a Clerk-cum-Typist and a Telex Operator so appointed his name "was automatically eliminated from the seniority list for consideration of promotion." At the same time at the end of that paragraph the bank stated that "the present workman was the next junior to Shri Thorat in the zonal seniority list and consequently he was offered in turn the promotional post of Head Clerk at Jawaharnagar."

10. This would seem to suggest that different seniority lists are maintained of Clerk-cum-Typists, Telex Operators and other clerical staff. The fact that it is not so is stated by Mr. Khan, the representative of the bank. It is, therefore quite clear that there is a common seniority list of all these persons who are borne on the clerical establishment of the bank. It is also conceded and is no more a point of dispute that offers of promotion or promotion as Head Clerks have to be made strictly in accordance with the seniority and where the senior person refuses is followed that with the consequence of being debarred from

further promotion. The position, therefore, would be that if Thorat was eliminated from the seniority list and no more stood as senior in the cadre to Gupte then Gupte who was the next person senior who had to be offered the post of Head Clerk and was in fact offered. In that event Gupte could not have complained upon refusal of being debarred from further promotion for a period of two years as is permitted under the bank's rules. In that case no reference could have legitimately be made to this Tribunal and the reference could have been duly answered in a few lines against the present workman.

11. The complication, however, introduced in the present case is, and I directed Mr Khan specifically to substantiate and to point out, whether there was anything to show that a different seniority list is maintained or that names of persons who are appointed as Telex Operators are removed from the seniority list. He was unable to substantiate this claim or contention. Consequently the position is this that in the seniority list which may be a combined seniority list of all persons in the clerical cadre, including Clerk-cum-Typists and Telex Operators all these persons remained in it and retained their seniority. The statement, therefore, in the letter dated 29th November, 1980 that Gupte was "the senior most Clerks in the zonal seniority list" is not correct.

12. The first question which was raised is, whether the post of a Head Clerk is a promotional post or is a post which merely carries a special allowance. For the workman it was contended that a head Clerks post does not carry different scale to make it a promotional post. It merely carries a special allowance. The grant of a special allowance denotes special kind of work in addition to the normal duties for which the man is sought to be compensated. It is not a higher post. On the other hand, for the bank reliance was placed upon paragraph 161 and 162 of the Sastry Award and I think with justification. While dealing with the question of promotion and the right of the management to do so the award points out that for the higher skills expected and required as well as the special qualifications a compensation could be in one of the three ways; one of them being "a higher scale leading up to a higher maximum". The significant words in the award then follow which, in my opinion, clearly indicate that the award considered them to be a promotion. It says;

"Though primarily our inclination was to provide a different and higher scale, we have considered it simpler on the whole to solve the problem by providing for a lump sum allowance called 'special allowance'."

Then in paragraph 164 the categories of employees and posts which attract such a special allowance are set out in which Head Clerks are at item No. 2. To my mind, this position seems to have also been affirmed by the subsequent award known as the Desai award in paragraphs 5.218 and 219. That was while dealing with the case of supervisory staff. It may also be mentioned that at the time when this award came to be made the parties had reversed their positions on the provision of a higher scale to persons appointed in supervisory capacities like Head Clerks and Superintendents. While the bank formerly was proposing such scales and wanted them, the Unions opposed when the Sastry award came to be made. When the Desai award was being made the Unions wanted a different scale and the banks opposed them. The Tribunal said:—

"... I am left with no alternative except only to fix special allowances for workman employed in a supervisory capacity, as was done by the Sastry Tribunal after applying to them the scales of pay provided for the clerical staff."

It will thus be seen upon a reference to both these awards that the post of a Head Clerk though carrying a more special allowance and not a different scale has all along been considered to be a promotional post. Mr. Khan is also right in contending that the fact that this was a



promotion is no more in dispute. Even the terms of reference called upon this Tribunal to decide the justification of the action in debarring Gupte for a period of two years on "his being promoted to the post of Head Clerk." It must, therefore be held, notwithstanding that the post carried a mere allowance, that the post of a Head Clerk is a promotional post. We have already dealt with the question of seniority and have come to the conclusion that Thorat was the seniormost person in the clerical grade, and there is nothing to show, as was attempted to be urged, that the Telex Operators are removed from the seniority list of Clerk so that they cannot be considered for the promotions as Head Clerks. Consequently, it must be held that Thorat was also eligible for being promoted and for being considered for the post of a Head Clerk. It is common ground that Thorat was not offered the post of a Head Clerk which had to be offered and could have been offered to Thorat. It is in evidence and not disputed that Thorat was earlier offered the post of a Head Clerk which he had refused that was in 1978 and it is also disputed that he was a Telex Operator then. That clearly goes to establish that a Telex Operator does not go out of the cadre and continues to be borne on the seniority list.

13. Now no reason is assigned as to why Thorat though senior to Gupte was not offered the post of a Head Clerk and it was made to believe that Thorat was not senior to Gupte and, therefore, Gupte was required to be offered the post of a Head Clerk keeping aside Thorat. It is here that the contention of the workman that the offer of promotion to him was mala fide and that it was merely a view not to disturb Thorat, to retain him at the Nagpur branch and to oust the workman Gupte from Nagpur and transfer him to Jawaharnagar becomes relevant in this connection. It was contended that not offering the post to Thorat and offering it to Gupte thereby transferring him was "manipulative and amounts to favouritism".

14. The gravamen of the contention seems to be that if the post had been offered to Thorat it would have involved his transfer from the Nagpur branch to Jawaharnagar and in case of his refusal again a further debarring for a period of two years. It may be mentioned that the Note-Book on Staff Matters part II Section 7 (B) governing matters of staff in the State Bank of India does provide at page 79 that where an employee refuses to accept the post or does not indicate his willingness within the period then he would be debarred from promotion or higher appointments in both the award and non-award category for a period of two years. Thorat had once been dealt with in these circumstances as mentioned above and this would have been a second occasion for doing so had the post been offered to Thorat. That it was contended to be manipulative, apparently for this reason that if and when such a post would occur at Nagpur it would be offered to Thorat his continued retention at Nagpur secured. To a question to the representative of the bank as to why he was not offered the post it was stated that the post of a Telex Operator is important and the bank could not have done without a Telex Operator functioning. That the bank required the services of Thorat as a Telex Operator at Nagpur. It was urged by the representative of the bank that Thorat was drawing the same allowance as a Telex Operator as he would have drawn as a Head Clerk, and it would have been no injustice to him had he not been offered the promotional post of a Head Clerk. This is not really an answer. There was also no answer to the question as to why he was not offered the post when he was the seniormost person for a Head Clerk. If the post of a Head Clerk had been offered to him two consequences would have followed is clear. Either Thorat would have accepted the post and gone to Jawaharnagar in which case the bank could have been inconvenienced or Thorat could have refused the post and he could have been debarred from promotions for a further period of two years a result which was clearly not palatable to both the bank as well as Thorat.

15. There is, therefore, no substance in the contention  
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that the non-offer of the promotion to Thorat who was the seniormost in the the seniority list, and the offer of promotion to Gupte involving transfer from Nagpur to Jawaharnagar was justified. It is quite clear, therefore, that the offer to Gupte was made with ulterior objects and not bona fide and not in the normal course of discharge of managerial functions. It was sought to be pointed out that Gupte could have been transferred to Jawaharnagar even as a Clerk. That is neither here nor there. That any person could be transferred from one place to another goes without saying. The quarrel is not against the transfer but the quarrel is on account of departure from the norms of behaviour by the management.

16. There is one more aspect of the matter which remains to be considered, and that is the imposition of six months' probation. I have already pointed out that the only contention raised on behalf of the bank with regard to this six months' probation is that it was "perfectly in accordance with the provisions of the award." None of the parties was in a position to point out from any of the two awards viz., Sastry award and the Desai award that a condition of probation of six months the banks could impose. It was frankly conceded by Mr. Khan that there is no such provision in the awards. He, however, sought to support this contention on the ground that it is the convention, practice and presumably a feature in cases of promotion to impose such a condition. He urged that a person could not be straightway promoted permanently and he could be posted in the post to which he is appointed subject to his suitability. Prescribing therefore of a probationary period of six months was customary and conventional in the bank.

17. The first answer to this contention is that it is nowhere alleged in the reply of the bank that this was either a custom, convention or a practice. Had it been so contended it is quite clear that the concerned workman would have either refuted this and supported his contention by means of circumstances and instances where such a condition had not been prescribed. It was also not pointed out to me that this convention practice or custom had been recognised or noted anywhere such as the Note Book on Staff Matters. If it was a custom then it would have required its invariable implementation and following and must be of a long standing character. For the simple reason that this contention was never raised no evidence could have been adduced and was adduced by the parties. Such a contention raised at the last minute during the arguments which involves examination on the basis of facts cannot be allowed. That it does not find any place in any authoritative book or circular or anywhere is clear since none is produced. It is also not shown that such a six months' probation was uniformly prescribed whenever the post of Head Clerk were offered on earlier occasions to any other incumbents. In the circumstances it must be held that the imposition of a condition of six months' probation in the case of Gupte does not seem to be justified.

18. In view of what I have stated above that the bank departed from the normal norms of managerial behaviour in not offering the post of Head Clerk to Thorat and imposing the condition of six months of probation while offering the post to Gupte makes the offer itself bad. If the offer is bad then it follows that the bank was not justified in treating the letter dated 2-12-1980 as a refusal to accept the promotion, the offer itself not being legitimate and bona fide. It may be mentioned that the letter dated 2-12-1980 of the workman raises the same contention that he is not the seniormost in the zone, the offer was bad, and wrongful and he therefore, does not accept "a wrongful offer aggravated" presumably to save Thorat from a transfer. The result, therefore, is that the reference must be answered in the negative and it must be held and declared that the action of the bank in offering the so called promotion to

Gupte was not justified. Consequently, the direction or order debarring him from further promotion for a period of two years with effect from 2-12-1980 similarly is not justified.

19. Award accordingly.

R.D. TULPULE, Presiding Officer

[No. L-12012/86/81-D.II (A)]

S.O. 2553.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Chandigarh in the industrial dispute between the employers in relation to the Oriental Bank of Commerce and their workmen, which was received by the Central Government on the 17th July, 1984.

BEFORE SHRI I. P. VASISHTH, PRESIDING OFFICER,  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,  
CHANDIGARH

Case No. I.D. 92/81 (N. Delhi), 129 of 1983 (CHD)

PARTIES :

Employers in relation to the Management of Oriental Bank of Commerce.

AND

Their Workman : Sh. Raj Kumar Kalia.

APPEARANCES :

For the Employers : Sh. H. C. Dhall.

For the Workman : Sh. L. S. Sachdeva.

INDUSTRY : Banking

STATE : Punjab.

AWARD

Dated, the 12th of July, 1984

The Central Government, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the Industrial Disputes Act 1947, hereinafter referred to as the Act, per their Order No. 12012/175/80-D.II.A; dated the 21st of July, 1981 read with S.O. No. S.11025(2)/83 dated the 8th of June, 1983 referred the following Industrial Dispute to this Tribunal for adjudication :—

“Whether the action of the management in discharging Shri Raj Kumar Kalia, Peon, Jullundur City Branch of the Bank of charges as contained in Charge-sheet dated 26-12-77 and 26-5-78 being processed in one enquiry is justified? If not, to what relief is the said workman entitled?”

2. Brief facts of the case, according to the petitioner Workman, are that at the crucial time from November 1977 to May 1978 he was posted as a Peon-cum-Watchman at the Jullundur Branch of the Respondent Bank; that he was served with two distinct charge sheets dated 26-12-1977 and 26-5-1978 containing allegations that on being entrusted with the B Cs No. 2325 to 2331 worth Pound 60 he went to the post office Jullundur and got them encashed but did not account for the relevant amount of Rs. 924; and that he was paid an amount of Rs. 700 by an Account holder Tajinder Singh for deposit in his Account, but instead of doing so he misappropriated the same and gave a fictitious voucher to Tajinder Singh; obviously with a view to dupe him. The petitioner pleaded that both these allegations were false, frivolous and concocted by the Union people who were antagonised against him because of his consistent loyalty to the Management. All the same the latter let him down by instituting departmental enquiry through a person who was so much biased and prejudiced that without affording him a fair opportunity of defence, submitted a lone-sided report on the basis of which his services were terminated.

3. The petitioner therefore, raised a demand on the Management to ignore the impugned termination and reinstate him but found them unresponsive despite the intervention of the A.L.C. (C) during the Conciliation attempts. Hence the reference

4. Resisting the proceedings on all counts, the Management denied the charge of having wronged the petitioner at the instance of, or under pressure from, the Workers Union and pleaded that as a matter of fact he had misappropriated the amount of B. Cs on their encashment on 2-12-1977; that for a number of days he kept on putting off accountability on one or the other pre-text but ultimately broke down to confess his guilt and, thus deposited the entire amount; albeit in instalments. Similarly it was averred that he had cheated one of their Account-holder Tajinder Singh and gave him a fictitious voucher pretending the requisite deposit in his Account. Rest of the insinuations, including those against the Enquiry Officer and validity of his report, were also controverted. It was rather asserted that the Enquiry was conducted in a free and fair atmosphere, that the petitioner was given full opportunity to project his defence, that he fully participated in the proceedings and that the Enquiry Officer concluded his report with an open mind on the available legal evidence.

5. Over and above the terms of reference the following issues were framed in the light of the pleadings raised by the parties.

1. Whether the domestic enquiry conducted by the respondent, and resulting in the dismissal of the petitioner was violative of the accepted norms of Equity, principles of Natural justice and good conscience as alleged? If so, to what effect? O.P.P.

2. Relief?

6. In support of their respective versions the parties adduced verbal as well as documentary evidence which I have carefully perused and heard them at length. My issue wise discussion and findings are as follows :—

Issue No. 1

7. Shri Sachdeva, the Ld. representative of the workman, was at point to urge that the Enquiry Proceedings stand vitiated because the charge sheets were issued and served by an Officer sub-ordinate to the Appointing Authority, that they were defective in the sense that they did not contain the necessary details of the allegations and were vague in nature. He contended that under clauses 19.2 to 19.5 of the Bipartite Settlement the Management was bound to refer both the incidents to the Police and await the verdict of the Court before taking any action against the petitioner and the very fact that they refrained from doing so, exposes the hollowness of their cause. Regarding the Departmental proceedings, Sh. Sachdeva submitted that no opportunity of representation, through a Lawyer or Workers Association, was given to the petitioner and despite his being unrepresented, he was denied due opportunity to cross-examine the witnesses produced by the Management. He argued that the charge of misappropriating the amount of S. Cs was bad otherwise also because it related to an incident beyond the sphere of petitioner's duty whereas it does not appeal to common-sense that an Ex-bank employee like Tajinder Singh would hand over a considerable amount of Rs. 700 to a peon (petitioner) for depositing in his Account. In short, it was contended that the quality of evidence produced by the Management was highly sub-standard and no finding of guilt could be based thereon.

8. Despite seeming attraction, the submissions of the Ld. Representative of the workman failed to carry conviction with me. The pertinent point is that a Tribunal, concerned with the reference proceedings under Section 10 of the Act, can not be equated with an Appellate Court sitting over a Domestic (departmental) forum. If a given set of circumstances admits of two equally reasonable interpretations, one drawn by the Enquiry Officer would normally be acceptable to the Tribunal, similarly where a finding of fact is based on some legal and cogent evidence, in the absence of any taint of perversion it is usually left undisturbed. To be precise it is sufficient that there is some believable and rational evidence to form the nexus. Of course, if it appears to be a case of 'No evidence' then the Tribunal would not shrink its responsibility in discarding the Enquiry report.

9. In other words it may be put like this that the strict standard of proof, usually expected of the prosecution to establish a criminal charge, is not called for. It is besides the point that of late there has been a reconsideration of ethos even in that Forum because it is felt that there can be no perfection in this imperfect world and insistence on fool proof evidence is fraught with the risk of fool proof concoction as held in the case of *Inder Singh Vs. State (Delhi Admn.)* A.I.R. 1978 SC 1093. Similarly no serious note is taken of any discrepancies and contradictions in the ocular testimony of the witnesses unless they strike at the very root of the case because with the passage of time human memory is prone to fade.

10. Of course both the charge sheets were served on the petitioner by the concerned Branch Managers but we cannot lose sight of the fact that they enjoyed the delegated powers from the Appointing Authority by virtue of the circular Ex. M7 and the point of their competence to do so was never questioned in the Enquiry Proceedings. Similarly there is no force in the contention that either of the charge-sheets lacked necessary ingredients or details of the relevant incidents which could prejudice the petitioner's defence. As a matter of fact the gist of the allegations was sufficiently revealed to him as to how he was accused of having retained the amount of B. Cs for an inordinate length of time without caring to account for the same, and as to how he had misappropriated the deposit-money of *Tajinder Singh*. On petitioner's own showing he had replied to both these charge-sheets and fully participated in the Enquiry to refute the insinuations. Therefore, it does not lie in his mouth now at his late stage to moan the absence of minor details regarding the particular dates or duration of time for which he had kept the money with him.

11. At the risk of repetition it may be pointed out that, both during the departmental enquiry as well as the proceedings before this Tribunal, the petitioner admitted having taken the B. Cs to the post office and getting them encashed for an amount of Rs. 924 on 2-12-1977. He also admitted that he did not deposit the said amount with the Bank till asked by them to account for the same on 26-12-1977. His explanation before the Enquiry Officer as well as in the Affidavit Ex. W1 was that after about 10 days he informed the Management that he had lost the money some where and that the suspected foul play by the Union people. Reiterating the story before this Tribunal he submitted that he had detected the loss of money and immediately smelt a rat on the very day when he got the B. Cs encashed on 2-12-77. In my considered opinion, under these circumstances, it was incumbent up on him to inform the Management or seek the Police intervention for proper investigation rather than to look for the scape goats. Be that as it may, what I wanted to emphasize was that there was no such further detail which the Management could be required to elaborate in the Charge-sheet.

12. Similar is the position of the second charge-sheet relating to the misappropriation of the amount belonging to one of the Bank customers *Tajinder Singh*. It may not be out of context to mention here that in his cross-examination before this Tribunal the petitioner admitted having filled in the relevant counter foil Ex. R11 in his own hand before handing it over to *Tajinder Singh*. Of course he denied the receipt of money from *Tajinder Singh* but, then, there is no believable explanation as to how and why he had gone out of the way to write down this document for *Tajinder Singh*.

13. It is besides the point that both these charges were further corroborated by his own confessional statements to the witnesses, who testified the same before the Enquiry Officer.

14. The contention that no fair opportunity was afforded to the petitioner for seeking representation through a Lawyer or a Workers Association is completely devoid of force because there is not even an iota of any circumstance on the records of the Enquiry Proceedings or the Tribunal to show that he had ever prayed for this facility or that it was rejected by the Enquiry Officer. On the other hand the petitioner himself participated in all the proceedings and, per his own admission in the opening part of the cross-examination, had attested their accuracy on signing the same.

15. Of course a part of the proceedings conducted by the Enquiry Officer does indicate that no regular sequence of examination of the witnesses was maintained and that some of the proceedings were recorded in first person whereas a number of them were taken down in 3rd person, but all the same we have to bear in mind that the Enquiry Officer was not holding a regular court like a professionally trained band, rather he was a lay man type of parties own judge sitting in a domestic forum. The technical rules of procedure and evidence had no relevancy before him, his only obligation was to abide by the principles of natural justice. And it goes without saying that he credibly struck to them as and when any witness made any damaging statement against the petitioner he immediately called for his explanation and afforded him an opportunity to test the veracity of the accusation on the touch stone of cross-examination, if due to any inadvertence there was any omission, on the very next hearing it was duly scrutinized and a 'suo-moto' rectification was made by the Enquiry Officer, and due opportunity given to the petitioner to recall the witness to answer his queries. In short, the Enquiry Officer did not let even a single piece of evidence to creep in the record without apprising the petitioner of its implication and affording him an opportunity to rebut, both by way of cross-examination as well as on leading his own defence. It is an entirely different thing that the evidence of the Management's witnesses G. S. Marwaha, J. K. Lorois, *Tajinder Singh*, S. L. Chadha, T. L. Gupta, *Raj Kumar Grover*, *Baljit Sharma* and *Madho Ram* found favour with him on the broad feature of the case since they appeared to be quite consistent and unbiased.

16. To say that the charge-sheets related to the incidents beyond the sphere of petitioner's duty and required intimation to the Police by the Management for a judicial verdict though the Court would be a grave travesty because the relevant clauses 19.2 to 19.5 of the Bipartite Settlement are of an enabling nature, and confer a right on the Management to report cases of misappropriation to the Police, they no where impose an obligation on them to do so.

17. The respondent's averment that as a peon the petitioner was being paid a special allowance to go out side the Bank for multifarious jobs, was admitted in para No. 2 of the Rejoinder, whereas a bare reading of Paras No. 3 and 6 of his affidavit Ex. W1 would leave no manner of doubt such jobs not only fell within his sphere of duty but were also being gladly accepted by him.

18. Of course, *Tajinder Singh's* incident might not be strictly related to his duty, but all the same it reflected on his conduct as an employee of the Respondent Bank because it was in such capacity that he had the occasion to take money from one of their Account holder, obviously any under hand dealing by him in that situation had the consequence of tarnishing their image and goodwill.

19. Thus to sum up my aforesaid discussion I find nothing wrong or improper with the conduct of enquiry proceeding in accordance to the accepted norms of equity and principles of natural justice. Similarly in the absence of any evidence, direct or indirect I reject the petitioner's charge of partiality of the Enquiry Officer and, as such answer the issue against him.

RELIEF (Including Reference)

20. As a natural consequence of my above noted findings on issue No. 1, I reject the petitioner's grouse against his termination and accordingly, return my Award, against him.

Chandigarh Dated 12-7-1984

I. P. VASISHTH, Presiding Officer  
[No. L-12012/175/80-D. II(A)/D. IV(A)]

S.O. 2554.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. II, Bombay in the industrial dispute between the employers in relation to the National and Grindlays Bank Limited, Bombay and their workmen, which was received by the Central Government on the 12th July, 1984.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL NO 1 AT BOMBAY

Reference No. CGIT-24 of 1975

**PARTIES :**

Employers in relation to the National and Grindlays  
Bank Limited, Bombay.

AND

Their Workmen

**APPEARANCES :**

For the employer—Mr. S. D. Vimadalal, Senior Counsel  
Mr. V. V. Pai, Advocate Mr. C. Krishnamoorthy,  
Manager, Industrial Relations.

For the National & Grindlays Bank Employees' Union  
—Mr. Madan Phadnis, Advocate Mr. P. N. Subra-  
manyam, General Secretary.

**STATE :** Maharashtra **INDUSTRY :** Banking

Bombay, dated the 26th April, 1984

**ORAL AWARD**

This reference to the Tribunal relates to the after effects of mechanisation which was agreed to in the first bipartite settlement between the Indian Banks' Association and All India Bank Employees Association applicable to the workmen in the banking industry. The order of reference No. L-12011/17/74-R/II dated 16th May, 1975, is worded as follows:—

**SCHEDULE**

"Whether the management of the Messrs National and Grindlays Bank Limited, Bombay is justified in introducing 'mechanisation' at Bombay main office and Current Accounts Departments of its Branches at Bombay? If so, to what extent and to what relief the workmen are entitled?

2. The bipartite settlement provided for employment by the banks of accounting machines and also provided that the workmen shall not object to the introduction of such machines which were mentioned in the settlement. It appears nevertheless a contention was raised whether the reference was maintainable and was competent. That led to raising of that as a preliminary contention and by order dated 3rd November, 1977, my predecessor held that the reference was not maintainable and made an award accordingly. According to him, the settlement justified the introduction of mechanisation and since that was justified the workman would not be entitled to any relief.

3. This order was challenged by the workmen in an appeal filed before the Supreme Court being Civil Appeal No. 2790 (NL) of 1980. The Supreme Court allowed the appeal, set aside the award of the Tribunal and remanded the matter back to this Tribunal observing, however, that there can be no question of the introduction of mechanisation being justified or otherwise since that was agreed to by the banks and the workmen in the settlement. It then pointed out that was subject to Two conditions and that it raised an area of dispute requiring adjudication. It said "that immediately raises the question as to whether the displacement of the staff resulting from the mechanisation introduced by the management was at the minimum possible level or it exceeded that level." The second question which it was pointed out arose for decision was that in the event of the displacement of the workmen exceeding the minimum possible level "to what relief are the workmen entitled". In the circumstances, these are the only two questions which now lie for adjudication. I would, therefore, refer to the contentions of the parties relating thereto and deal with these two questions on the basis of the evidence and submissions made before me.

4. Briefly stated the contention of the National & Grindlays Bank Employees' Union (hereinafter referred to as the Union") is that the mechanisation which was introduced in this bank did not follow the pattern of introduction of mechanisation which the bank adopted elsewhere in its own branches in other stations and the pattern followed by other

nationalised banks. It contended that at the bank's offices at Madras, Delhi and Calcutta negotiations were entered into with the workmen and a mutually acceptable formula relating to the quantum of mechanisation and the displacement of workmen was worked out. Consequently, there was no dispute. This was not followed so far as the Bombay branches were concerned. The second contention of the Union is that displacement was at the maximum in his bank in the Bombay branches and this was sought to be referred to by means of figures of staff strength over a period of years as to how the number of workmen in the bank is getting progressively and substantially reduced. By its statement in paragraph 10 and 14 it submitted that from the former strength of 142 workmen in all the five branches of the bank before mechanisation 81 have been rendered surplus, or to borrow the words of the reference "displaced". The bank retained only a total strength of 48 from the staff directly affected and 13 from the staff not directly effected in all 48, 13, 61, 81, 142.

5. While this was so the bank according to the workmen by various practices and otherwise, improved its financial position in terms of deposits amount, volume of business, remittances abroad, profits and advance. Amongst the foreign banks operating in India this bank has been able to improve upon its prime position. The reduction in the jobs, according to the union, is responsible for the growth of the business of the bank and its profits. Though the bank has grown, in proportion the strength of the workmen has not similarly grown commensurately. Other nationalised banks have not only introduced the mechanisation to the fullest extent but have an addition, instead of reducing the strength of workmen increased the number of workmen. It points out that formerly the work in current accounts department consisted of four processes or steps each of which used to be manually performed by the concerned clerks. The first operation thereof being making of debit or credit entries in the respective accounts, maintain the ledgers which were also checked by other persons; (ii) enter all debit and credit entries for the day ledgerwise in what is called a supplementary register and again check. The third operation being recording of the debit and credit entries in a statement from the ledger for being furnished to the customers as agreed on a weekly or fortnightly basis. And the last operation relating to subsidiary ledgers which consisted of balancing and totaling and tallying transactions of all the ledgers. This is also done daily. In the Grindlays Bank the first three operations have been mechanised. Before this it used to be manually performed. As an illustration as has been pointed out elsewhere, according to the Union, instead of combining all the three operations in one and mechanising them, the bank could, as has been done in other centres reduce the mechanisation and transfer only one or combine two processes and thus reduce the impact of mechanisation. The bank, however, having decided to combine all the three operations into one, a large number of staff became surplus and were kept idle for long periods or were given different kinds of work described by the Union as odd jobs and humiliating and were shunted out from the places where they were working and transferred. Most transfers took place as a result of the mechanisation contrary to the practice followed in the bank of transfer only on consent. This had grave effects upon the workmen and they have suffered. Persons have been doing say ledger posting work and have become experienced and seniors. They are asked to do altogether different minor insignificant kind of work. In any bank current accounts department is a prestigious department and only senior and experienced workmen are posted to it.

6. The contention of the Union, therefore, is that as a consequence of mechanisation the workmen suffered and the bank prospered. Besides the reduction in the number of workmen employed by the bank has also another consequence. As a result of mechanisation the potential of employment in the bank has thus over a period of years progressively reduced.

7. The introduction of the mechanisation has produced two other consequences, according to the Union; one is in introduction shift system which is unique in the banking industry for machine operators, and an increase in the work load of the machine operators contrary to the established norms. The Union, therefore prayed that the mechanisation

introduced by the bank should be scrapped being excessive, to direct re-posting of the workmen to their former posts and also to pay to the workmen compensation at the rate of Rs. 100 per month amongst other benefits to which no reference need be made.

8. The bank in its reply refuted most of these contentions and submitted that in introducing mechanisation it has acted strictly in accordance with the bipartite settlement and in accordance with its terms. It contended that the bipartite settlement permitted it to introduce mechanisation in certain spheres of activity. It has neither exceeded that nor has it introduced mechanisation contrary to any of the terms. Indeed it is the bank's case that it has been allowed in introducing the mechanisation and gradual and not to the fullest extent permitted by the bipartite settlement.

9. According to it the two conditions to which mechanisation was subjected were fully complied with. There has been no retrenchment, which is also an admitted position by the Union, and the so called displacement of workmen is at the minimum possible level. According to the bank, to what extent displacement should take place and how it should be based is a managerial function and the Tribunal has no jurisdiction to adjudicate upon it. Whatever it has done is at the minimum possible level and it is the bank's management alone which can determine and judge as to what extent the displacement should be and would be. The consequences of mechanisation upon the staff strength will vary from bank to bank and would be governed by the various factors which would be different from bank to bank depending on various factors which fall within the managerial sphere.

10. The bank contended that transfers as a matter of policy in the bank were admittedly only regionwise and generally not made outside the region. A right to transfer is the managerial prerogative right and does not amount to displacement. The workmen cannot and do not have a vested right to the kind of work which they will do or they are required to do. Though long familiarity with a particular kind of work may make a person experienced, workmen cannot say that they must be given that work alone. It is not in the interest of the bank not to use experienced workmen may be of senior workmen for the purposes for which he has acquired skill and experience. It is in the interest of the bank to do so. No work, however, is undignified or lower and clerical staff has to do and can be posted to do all work that is properly clerical. There is no internal hierarchy or importance of clerical work and all work is alike.

11. The bank contended that it was irrelevant as to what happened with the mechanisation in nationalised banks or otherwise, and what was relevant only was the terms agreed upon and what the bank did in the present case. Constraints and circumstances in which other banks operate in India and the Grindlays Bank Ltd., operate, have not been uniform or identical. The bank denied that there is any case of discrimination amongst the workmen belonging to its Bombay division and workmen at other centres. The settlement did not require the bank to discuss the issue with the workmen before its implementation. It did so in other places not because it was obliged. It did not do so in Bombay as the Union was not recognised. It also referred to the circumstances in which the Union came to be derecognised on account of its non-cooperative attitude.

12. It contended that the growth in the banking business of Grindlays Bank's operators is not relevant for the purpose of this reference. Banking industry as such has grown with the growth of industrialisation and other factors affecting the national economy. The criteria adopted for deficitting the growth of the bank by the Union has been different at different times. In any event, it was the contention of the bank that all these factors and circumstances are not relevant. According to the bank it was entitled to introduce mechanisation in the current accounts department and as a consequence of the introduction of machines the work which was taken over by the machines resulted in rendering the staff who was doing that work surplus and was liable to be dismissed. The bank did not, however, retrench anyone and did not also cause a displacement more than the minimum and may be at the lowest possible level. The effect of the mechanisation and its consequences both in the operations of the bank as well as the staff have to be watched

for time and could not be immediately ascertained. It took sometime to adjust and re-organise its workmen and, therefore, it had to keep some of its staff idle sometime and could not assign to them immediately work consistent with the need of the bank and the requirements of its operations and the concerned workmen.

13. The bank did not admit the figures of reduction of staff strength as well as the rendering of service of 81 workmen from the five of its Bombay branches in the current accounts department superfluous. Referring to the reduction in the total strength of workmen, the bank submitted that every employer has a right to organise its work efficiently and to manage business as economically and efficiently as possible. In streamlining and reorganising its business it is possible that the number or strength of its workmen made get reduced. It may also have to be increased as it appears the bank at one time contemplated it. But that according to the bank was entirely irrelevant. The question, therefore, and the jurisdiction of the Tribunal is of adjudicating what is the minimum displacement. It has no jurisdiction and therefore no right to go into the irrelevant and unjustifiably raised questions of prosperity and strength of work force. It pointed out that displacement does not mean, as contended by the Union no transfers and no change of work. It, therefore, prayed that the reference may be dismissed.

14. Two more stages have to be pointed out and facts referred before proceeding to the main question in this reference. A number of applications were filed and replies and counter replies to them followed requiring production of certain documents, submission of information and considerable other material and matter from the bank. The bank objected to this production and furnishing of information on the ground that it was not relevant, and not relevant at that stage in any even and secondly that it relates to its evidence. When the matter was first brought up before this Tribunal after its remand from the Supreme Court on 3rd August, 1981, my predecessor Justice Dighe passed an order directing the parties to precisely state what according to them was the connotation or concept of the words "displacement" and "minimum level". He also directed the parties to furnish statements showing the strength of staff by their designations before mechanisation and immediately after the introduction of the mechanisation. In accordance with this direction the Union filed a statement and also filed its say regarding the concept of the words "displacement" and "minimum level" though not on the date fixed but at a later stage. The bank also filed its statement and its view of what is meant by 'displacement' and 'minimum level', to both of which I will have presently occasion to refer.

15. The applications filed for production of documents were pressed and by an order dated 15th February, 1983, my learned predecessor Justice Kamli directed the Union to file an affidavit in regard to the documents and also directed it to state expressly 'as to what is the staff then displaced'. They were also directed to state the figures of displacement of staff after mechanisation departmentwise and even sectionwise. The bank was, however, not directed to make any statement at that stage as he learned Judge deferred passing further orders till the filing of the statements. On 12-1-1984 a further order was passed by which time statements of both the Union as well as the bank of the strength before and after mechanisation were furnished. At that stage some controversy existed between the parties as to when was the mechanisation introduced and when it was completed. But at that stage the Union accepted the dates of mechanisation as given by the bank to be correct. A further direction was given and it appears at that stage that some controversy had erupted as to what was the composition of the current accounts department. The bank was directed to state the constitution of the 'current accounts department' in all its five offices and "the strength of staff in those departments before the introduction of the mechanisation and the strength of staff after the introduction of the mechanisation". It may be mentioned at this stage that National & Grindlays Bank Limited is an amalgam of three erstwhile banks known as the National Bank of India, Grindlays Bank and Lloyds Bank. In the light of the Supreme Court orders and in the light of what had been submitted by the parties as to connotation of 'displacement' and figures of staff strength the controversy appeared to be narrowed.

16. The two questions which, therefore, are material in the present reference are, what is the meaning of 'displacement' in the context of this bi-partite settlement and to what extent such displacement is effected. The second question is if the displacement so effected is found to be more than the minimum to what relief the workmen would be entitled to. It is clear that if the displacement is about equal or less than the minimum then the workmen would not be entitled to any relief. As to what is exactly the meaning of 'minimum level' of displacement is a tricky question in this case and is incapable of precise mathematical answer.

17. I will now proceed to discuss the meaning of the word 'displacement'. It will be appropriate to reproduce the relevant portion of the settlement which has given rise to this controversy. That is paragraph 6.1, Chapter VI of the bipartite settlement:—

It says.

"6.1 Accounting Machines, I.B.M. or I.C.T. (Hollerith—Power Samas) Machines can be utilized in banks subject to the following conditions:—

(i) the Ledger Accounting Machines like National Cash Register Machines, Remington Rand Accounting Machines, Blue-star Accounting Machines etc., can be utilised for the purpose of ledger and statement posting of Current Accounts, Saving Bank Accounts, Deposit Accounts, General Ledger Accounts, Inter-Branch/Agency Accounts, Salary and Provident Fund Accounts;

(ii) that I.B.M. or I.C.T. (Hollerith-Power Samas) machines and punches (for punching and verifying cards) can be utilised for the purposes of maintaining Inter-Branch/Agency Accounts for reconciliation purposes as also Salary and Provident Fund Accounts at Head Office or Offices where banks' centralised accounts are maintained;

(iii) that there will be no retrenchment on the introduction of the machines as in (i) and (ii) above and the displacement of staff in a particular department or office/branch where such machines are introduced will be kept at the minimum possible level.

6.2 The workmen or their representatives will not object to the introduction of machines, as mentioned above and to the consequent reorganisation."

18. It is not in dispute in the present case that the machines which were introduced by the bank are no other than those permitted in the bipartite settlement paragraph 6.1. It is also not in dispute as per sub-para (iii) of paragraph 6.1 that there has been no retrenchment on account of the introduction of the machines. The material portion of the bipartite settlement which really calls for the consideration is that contained in paragraph 6.1(iii). It would thus be seen that the expression 'displacement of staff' in a particular department or office/branch which is to be kept at the "minimum possible level" has to be construed in the light of what has proceeded and in the circumstances that certain class of machines are permitted to be utilised at head office for particular kinds of accounts. The question of what is the minimum displacement has also to be considered in the light of a ban on retrenchment altogether.

19. It was, therefore, in order to ascertain what the parties meant by 'displacement' and 'minimum possible level', that on the 3rd August, 1981, a direction was given requiring the parties to state what they meant by 'displacement' and what was meant by 'minimum level' thereof. As I stated earlier the Union did not state at the beginning as to what is meant by displacement but later set out what, according to it, the meaning was by its statement dated 1st September, 1981. That meaning placed a variety of interpretations before the Tribunal. According to it, displacement amounted to reduction in the strength of staff in a department reduced as a result of mechanisation. It stated that displacement as contemplated by the first bipartite settlement meant "nothing but removal from usual position on putting out of place" and therefore, putting the staff out of place "from one branch to another or from one office to another" amounted to displacement.

It referred then to various dictionaries which give shades of meaning of the word 'displacement to be putting' or being out of place, "removal" from a usual position, or from an office". According to it, therefore, displacement was nothing else but "removal from usual position or putting out of place." That according to the Union is the meaning which must be ascribed to those terms in the bipartite settlement. This means according to it "removal of the staff from one department or putting the staff out of place from one department or shifting the staff from proper position from one department to another." According to it, further even removal of staff "from one branch to another or from one office to another" is tantamount to displacement. Finally, according to it 'displacement' was 'change in the nature of work of employees and requiring them to do work of a different type than what they were doing prior to the introduction of mechanisation.'

20. Consistent with this, if I may use the words, preferred meaning of the word displacement by the Union it contended that even shifting of the staff from one department to another, or one office to another or from one branch to another should in accordance with the directions of the bipartite settlement has to be minimum as possible and not permitted. To this must be added also the meaning which was later as clarified as even including any change in the type of work, any shift in the position and any change in the nature of work which was being done earlier and that subsequent to mechanisation. In substance according to the Union the preferred meaning of displacement is transfer or change in work which was formerly being done and transfer not only from one branch to another, but transfer from one department to another which would be restricted in terms of the bipartite settlement to the minimum level.

21. The Union also set out what according to it were figures of displacement in the various branches in its statement dated 7-4-1983 branchwise. In M. G. Road branch it stated that 67 employees were prior to mechanisation and after mechanisation the strength was brought down to 39. However, that statement does not say which these 28 employees were who were effected or were transferred and what work they were actually doing. In the D. N. Road branch the displacement was to the extent of 41 employees who were formerly there. In the Mint Road branch it was 30 employees, in the S. G. Marg branch it was 9 and in Mandvi branch there was only one person. With regard to these statements one common feature is the one which I have observed with regard to M. G. Road branch, and that the category of workmen "who were effected were ledger clerks, statement writers, register writers and typists". According to the Union some other persons were also indirectly involved like general clerks and sub-staff viz., peons. Their consolidated figure appears in para 7 of the statement. It may be stated, as set out in the statement, that according to the Union the displacement was completed in each of the branches on various dates but by the year 1976. That it was commenced in the year 1973 there is no dispute. In other words, therefore, according to the Union the process of mechanisation which began in 1973 and followed by the displacement which it effected was completely put through between 1973 to 1976.

22. The bank's version of what is displacement is to be found in its statement dated 18th September, 1981. According to it the word "displacement" must be understood in the context in which the word is used and that meaning of the word should be preferred which would fit in and be appropriate to the context. Presumably, according to its version consistent with the context and meaning the word "displacement" was, as defined in Stroud's Judicial Dictionary "oust" or "to put it out of the employer's power to continue in employment". In Webster's Dictionary the meaning given is "discharge" or "depose" and in Oxford Dictionary to remove from a State, office or dignity." In Webster's International Dictionary "to remove from a State office, dignity or the like", "to discharge" "depose". With regard to the words "minimum possible level" the bank refused to elaborate itself or give what it is meant by "minimum possible level" under the pretext of that it was a mere "guideline or recommendation and not a mandatory and justiciable directive." It emphasised the word



possible succeeding the word 'minimum' to point out that this gift the management free to determine the extent of displacement. That is the tenor of its and the "minimum possible level" according to it, would be equivalent to the elimination of the work which was manually done and which elimination of the work which was manually done and which is taken over by the machines. The introduction of the machines, according to it, "ipso facto reduced the number of clerks required for the purpose of ledger posting and statement writing." By way of its answer it satisfies itself by saying that "such displacement of staff resulting from mechanisation introduced by the management was the minimum possible level and did not exceed that level." It may be mentioned that the bank throughout studiously avoided stating what, according to it was the 'minimum possible level' in terms of men or in terms of jobs.

23. This statement is appended with a set of statements for each branch showing the number of employees prior to introduction of mechanisation and subsequent to the introduction of mechanisation. The bank has given the dates of starting of the mechanisation and also given the staff strength "immediately after the mechanisation" the period varying between 6 to 9 months. On the other hand, the figures which have been given by the Union are for different periods as will be seen from the annexure to the statement dated 7th April, 1983, referred to earlier. For example in the M. G. Road branch the figures prior to mechanisation as on January, 1973, are given and figures subsequent to mechanisation as on April, 1973, are given. While so far as the other four branches were concerned viz. D. N. Road, Mint Road, S. G. Marg and Mandvi the initial figures of at the start of mechanisation are for the period prior to 16-5-1973, 12-12-1973, July 1973 and February 1974 while the post mechanisation figures are from 1974 to 1976 as set out in annexure '2'. It would thus be seen that the figures are not comparable given by both, the Union as well as the bank detewise.

24. Though that is so it seems to me, it can be safely assumed as common, and in any event as submitted by the Union that the process of mechanisation was started in 1973 while the displacement was completed or the effect of mechanisation was completed in 1976. These three years, therefore, would become crucial and require a closer scrutiny in order to obtain an answer to the two questions which I have raised.

25. Adverting to the definition of the word "displacement" it seems to me that the context in which the words appear can not be over-looked. As I pointed out they appear in paragraph 6.1 (iii). The earlier part of that paragraph refers to retrenchment and says that there shall be no retrenchment. It seems to me to be quite implicit and the basic assumption made by the parties to the settlement that introduction of machines for doing the work which thereto before was being manually performed would result in such people whose work is taken over being rendered surplus. If they are so rendered surplus the normal consequence which would be visited to such surplus staff would be retrenchment. Retrenchment would mean in such an eventuality loss of jobs. However, the parties had agreed that there shall be no retrenchment. It is, however, incapable that the workmen rendered surplus will have to yield their place and do something else. Understood in this context or sense 'displacement' would mean yielding of the place.

26. In the normal and natural sense this displacement would have undoubtedly resulted in ouster. The ouster of such men whose jobs are taken over by the machines is not unexpected and was implied by the parties to the settlement. The contention, therefore, of the bank that such meaning of the displacement should be accepted as is nearest to the meaning conveyed in the context, in my view, must be accepted. In that view of the matter the word "displace" would acquire a meaning closer and akin or analogous to discharge or ouster. It means, to put it differently, remove from a place. Displacement, therefore, will have to mean removed from the position held as a result of the machines taking over the job.

27. On the other hand, the meaning of the word displacement which the Union has sought to give is, in my opinion, too narrow and restrictive. It seems to adopt a highly artificial and un contemplated connotation. It does not naturally flow from the context of the word "displacement" when it says that the settlement "puts a bar on shifting or transferring employees from one department or from branch or from office to another on big scale" and to do "other type of work" different in nature from which they were performing originally. If it was intended by placing this second restriction on the bank's right to introduce mechanisation apart from retrenchment, then the bank would not be permitted to shift people "from one department to another department or from one office to another or from one branch to another" which meaning the Union wants me to ascribe to displacement. I think the word displacement would not have appropriately conveyed that meaning, if the parties had intended that there was to be no shift even from department to department or even from branch to branch or for that matter even change of work of one kind to another. The result could have been achieved, if that was the intention of the parties, by simply saying that the workmen will continue to do the same kind of work in their same places subject, of course, to their being in the ordinary course and on normal account shifted and transferred, or even that notwithstanding mechanisation there shall be no displacement or shifting at all. That could have been more consistent with the Union's view of the word "displacement" and the 'minimum' possible level should be. I am unable to accept this restrictive interpretation. It would deprive an employer of its freedom to use the available material he has in terms of men and machines to the best of their talent and usefully employ their services.

28. 'Displacement', therefore, must mean removal from one position and the Union cannot, in my opinion, say that when persons are transferred from one branch to another after their works is taken over by the machines permitted to be introduced, a displacement occurs. It would also not be possible to say and contend, in my view, that where a workman was doing formerly one kind of work, which the machines were permitted to take over, such workman must be given that work in the same branch or in another branch at the most. It is difficult to conceive and think that a particular kind of work merely by doing for some stretch of period entitles a person to say that he will do only that kind of work and not other. It will also be difficult to say that if such a person is asked to do the same class of work but not the same kind of work it results in displacement. If the category and kind of work is not different or of a different class, as for instance a person employed for clerical work is asked to do manual work or operate an instrument or machine which may be of a different category and class that work the employer may not be justified in directing. But if the same kind of work and the same class and category of work is extracted, I do not see how it can become or be termed as displacement. Even in the ordinary notions of management, a right to direct its own business, a person has a right to ask and get any particular kind of work done for which the person is employed at a given time and another at another time.

29. Between the two meanings, therefore, of displacement the one preferred by the Union which is restrictive meaning is not acceptable and a meaning nearer to the underlying concept of introduction of mechanisation implicitly resulting in ouster of persons doing the same kind of work, adopted. In my view, 'displacement' must, therefore, mean 'removal from position.' In the present case, however, there is no question of removal outright. There will be and there will have to be a removal, however, where the work is taken over by the machines. This may entail in placing the person in another place and thus result in a displacement, being asked to do the same kind of work and may be the same kind of work elsewhere, and also a different kind of work.

30. At this stage it may be convenient to deal with a subsidiary aspect of the matter. I have already pointed out earlier that while giving the figures of persons displaced, where they were posted and what work they were asked to do was not stated by the Union in its statement. This was, however, later supplied in the affidavit dated the 12th March, 1984, paragraph 13. It will be seen from that paragraph branchwise that at M.G. Road branch persons at sr. nos. 1 to 20 who were doing the ledger posting work taken over by the machines were transferred to other branches excepting sr. no. 17 who is retained as a machinist. Some of them were also retained in the same branch i.e. M.G. Road branch, but were asked to do different kind of work such as in the share department or savings department. In what way of work as humiliating or different from the kind of work which they were doing or of less importance is not clear. I do not think that there is any merit in this part of the contention of the Union. A closer analysis of the statement I shall come to at a later stage. But, it is enough to state at this juncture that this list of persons includes also persons whose jobs have not been taken over by the machines. It may be stated in this context that the introduction of the machines may result in two kinds of displacement, one direct and another indirect. The direct displacement would be as a result where machines take over a particular job which was there before being done manually, and indirect displacement would be where a number of such jobs are taken over which when they were manually performed gave rise to some other jobs the strength of those jobs or the quantum of the work on account of those jobs becoming reduced thereby effecting such workmen also. For instance in the context of the banking industry where ledgers are manually written it may be necessary to have sub-staff at a larger level for handling the ledgers and to take them from place to place. Where the handling of ledgers is taken over by a machine and reducing the number of steps or stages or operations with regard to that ledger which formerly manually involved employment of some persons would also be reduced thereby requiring less number of sub-staff for the handling of the registers. In my view, the displacement contemplated by the bipartite settlement is both direct as well as indirect.

31. Having ascertained thus the meaning of the word displacement as is appropriate, in the context of the controversy the next question which requires to be determined is whether in this particular case that displacement was at the minimum possible level or otherwise. As I said earlier this is the trickiest part of the question and I feel that no precise answer in terms of proportions can even be attempted or give. What is, therefore, minimum would vary and change on account of the inter-action of various factors and change from industry to industry, establishment to establishment, employer to employer and also to some extent depending upon the class, type and calibre of the employees.

32. I have already pointed out what where the manual operations which were eliminated by the introduction of the machines. They are the first three set out in para 7 of the statement of the Union and there is no dispute on this aspect of the matter. Broadly stated the machines took over the work of ledger writers or posters and statement writers. A branch and the concerned department did not merely consist of ledger writers or posters, statement writers and other connected and ancillary staff. I shall while referring to the statements filed by the parties point out what was the other categories of staff. As I indicated earlier their jobs are directly taken over. But the work of some of them is certainly indirectly effected such as for instance of a general clerk special assistant who may have been earlier required to do in addition to this work some other work in connection with the ledgers such as checking a statement and comparing and balancing it before posting to the customer may be reduced in quantum. The mechanisation, therefore, would effect vertically and laterally in addition to effecting directly the work force.

33. Once it is held that the meaning of the word displacement applicable in the context or in the present con-

troversy has to be 'removal from the position' and where no retrenchment has taken effect what would be the minimum level of such an impact is not capable of an easy answer. One mode and way of ascertaining that to impact has been suggested by the Union though not directly but indirectly by pointing out three reduction in the staff strength and the number of employees of the bank. The other is by filling tabulated statement or showing the number of people working before and the number of people working after the introduction of the mechanisation. This as I have already pointed out by the Union as well as the bank have been provided for different dates. It would be sufficient to state at this stage that this does not give a clear comparable picture as to the amount of displacement and whether it could be termed as natural or less or more. But, I will come to this aspect of the matter a little later.

34. Firstly adverting to the fall in the strength of workmen, figures given for different periods broadly from 1960 to 1980. In para 62 of the statement of claim figures for the period 1962 to 1975 of total number of clerical staff and sub-staff employed by the bank in Bombay appear. There has been also expansion of branches is set out. It will be seen from this that right from 1962 till the year 1970 and even upto 1973 there has been a continuous fall in the staff strength particularly clerical. The total number of workmen also have become less. In para 63 the same position with reference to the four branches where mechanisation was introduced is also set out. There also the picture emerging is similar. It may be mentioned that these are years prior to the introduction of the mechanisation as contemplated by the first bipartite settlement of 1966. The first efforts of mechanisation were in 1973 only in accordance with that settlement. On the other hand, this staff strength in the other branches other than four at Bombay for the corresponding period has been gradually going up. Figures to the period subsequent to 1975 in respect of four mechanised branches of Bombay are to be found in the statement dated 1st September, 1981, at page 3, and also show a fall in the total strength of clerical sub-staff and total staff. As I have mentioned earlier the bank has not furnished any particulars in regard to this aspect of the matter and has not given any figures but also not challenged the fact of the statement that the staff has been going down in four concerned branches and generally in the bank's employment. We, therefore, have a picture right from 1962 to 1980 of the staff strength in this bank totally in all the branches upto 1975 and also relating to these four branches. The common and general pattern which emerges from that examination is that the staff strength particularly known as award staff in the banks parlance has been going down from year to year.

35. Figures have been supplied to us as to the staff strength right from 1962 to 1980. The relevant figures from the point of view of the dispute referred can only be the year 1973, when mechanisation was introduced and when the effect of mechanisation by way of displacement was over which according to the Union took place in 1976 if we ignore the dates given by the bank. It is, therefore, only with reference to the figures of total staff, assuming for the time being that is relevant in 1973 and that in the year 1976 that the question as to the amount of displacement or its quantum can be prima facie ascertained or as my learned predecessor observed in his order dated 3rd August, 1981 provide a quick appraisal. In para 62 and 63 of the statement of claim the position of staff strength in the Bombay area of the bank and the position of staff strength in the four concerned branches are separately given. We are not really concerned with what was the position of the total staff strength in the Bombay area of the bank though I may mention that from 1973 to 1974 there has been a slight increase in the total staff strength in the Bombay area so far as clerical staff is concerned.

36. Confirming our attention to the concerned four branches in 1974 the clerical staff strength stood at 753 while the subordinate staff strength was 260, in a total of 1013. In 1975 June it went down so far as clerical staff was concerned by 9 and sub-staff was concerned to 252, the total



's 1996. To this we may add and refer to the figures appearing in the Union's statement dated 1st September, 1981, where the figures for year ending 1976 were given as 699 and 243. That will mean that from 1975 June there is further reduction of 45 members of clerical staff and 9 members of sub-staff in all. Therefore, there will be between 1973 to 1976 a reduction in the clerical staff of 54 persons and 17 from the sub-staff. This is what emerges on an over all look at the picture. It would not, however, be possible to say straightway, without anything further, that this reduction in the staff strength has occurred as a result of displacement by the introduction of mechanisation. Such material or evidence has not been placed before me by any of the sides. I may mention in this connection that it is an admitted position that there is no retrenchment of staff. It follows, therefore, that the reduction of staff strength clerical as well as sub-staff between 1973 to 1976 viz., 71 is not directly due to displacement. The possibility that it may have indirectly resulted in cannot be ruled out. This may occur where natural eliminations in the staff are not filled in because of the surplus staff becoming available on account of mechanisation. Whatever that may be the utmost or the maximum displacement taking the case at its highest can be 54 persons from the clerical staff and 17 persons from the subordinate staff. So far as the subordinate staff is concerned they do not come in the category properly speaking of displacement on account of mechanisation directly as I have already pointed out. They may be coming within the sphere of indirect displacement.

37. Once again referring to the order dated 3rd August, 1981, where the concept of the words "minimum level" was also required to be defined or set out by the parties, the parties have adopted in their answers a very intriguing situation. They have taken postures which can broadly be stated to be extreme. Both have refrained from saying what on account of the introduction of the mechanisation would be the minimum level of displacement in terms of figures. The bank adopted a position that what it did was the minimum possible level and permissible level based upon its managerial prerogative or right, while what the Union contended was that the displacement effected by the bank was the maximum. As to what would be the minimum both sides have left the matter for guess so far as they were concerned.

38. I will now refer to the various charts and statements which have been filed by the parties. In para 10 of the statement of claim the position of staff strength prior to mechanisation is set out in the five branches. Persons who can be said to be properly affected viz., clerks involved in the three operations in column No. 3 is 99. The strength of the peons is out in column No. 5 total strength is 30; while those out of column 4 which are described as "involved in 4th operation" are not directly affected by mechanisation in the sense their work continue to be performed manually. In para 14 the Union stated that out of this total strength of 112 persons which includes the 13 out of column 4, 71 have been displaced leaving only 21 in column 3 and 13 from out of column 4. As to what is the date of this figure and of which date these figures are given is not stated. It may be assumed that was after 29th August, 1975, the date on which the claim statement was given. I am referring to this date only for the purpose of pointing out that in the various charts given because of the various different dates adopted and different classification used it has not been possible to correctly determine the figures of clerical as well as sub-staff "removed from its former position" in the current accounts department of the five concerned branches of the Grindlays Bank in Bombay.

39. The next statement is that filed by the Union on the 18th August, 1981, which is at page 71 of the 'B' file. Here the dates adopted or the post mechanisation figures are either December 1973 or December 1976 and June 1981. As I have already pointed out in the statement of claim para 10 the figures purported to be August 1975 an intervening date. In this statement column No. 3 shows the number of workmen (clerks) employed for ledger posting work and for writing statement of accounts which was directly taken over; while the number of persons and figures shown in column No. 4 are of persons whose jobs continue to exist in the current accounts department such

as issuing tokens, issuing cheque books, and also to some extent clerks doing the work of tally balancing. In column No. 5 are shown persons who are different from the mechanised category of job and whose jobs continue such as head clerks and special assistants. The sub-staff is in column No. 6. For the first time there is a classification amongst the sub-staff, peons and dataries. He may leave aside this separation of sub-staff, at the end of December 1973 is 38. At the end of December 1976 and as was the position at the end of June 1981 this was further reduced according to the Union to 27.

40. As regards the other staff that is in column Nos. 4 and 5 after mechanisation column No. 4 has suffered a severe fall and from 25 its strength has been reduced to 9. Of these according to the Union three persons are doing the work of total checking. There is a reduction in the strength of head clerks but not such where special assistants were concerned. There is reduction in the strength of peons as of 1973 to a considerable extent. These figures have gone down further so far as the sub-staff is concerned as of December 1976 and June 1981. There is also a reduction in the strength of head clerks and special assistants as of that time. There is reduction of staff strength in column No. 4 they are entrusted with the issuing of tokens, cheques and used for balancing job. Deduction is only from 9 to 6.

41. The next statement is that at page 121 dated 7th April, 1983. The column numbers given are inserted by me for convenience. Referring to M. G. Road branch first the figures given are for post mechanisation staff strength as taken in April 1973, again a different date. There is a classification of the award staff and clerical staff has been further split and made. Apart from the category of special assistants and head clerks who are not affected, by the mechanisation persons in column Nos. 3, 4 and 5 it can reasonably be said that they are directly affected by the mechanisation being ledger clerks, statement/register writers, typists typing statements. Then there are 4 other nomenclatures or designations introduced such as general clerks, addressographers, typists and stenographers. So far as stenographers are concerned, there will be no question of mechanisation affecting them any way. These figures of staff mentioned in column Nos. 6, 7, 8 and 9 from their nomenclatures do not appear to be one belonging to the category who are likely to be directly affected, and for the purposes of displacement as a result of mechanisation column Nos. 2, 3, 4 and 5 would only become relevant. That goes to show that there were 38 persons who were directly affected by the introduction of machines, their jobs have disappeared. In their place as the statement page 121 says, 17 machinists have been brought in. So far as the staff strength of persons mentioned in column Nos. 6 to 9 are concerned there has been a fall in their strength also, but looking to the nomenclature of their designation and work they do, it appears, theirs is an indirect displacement. In the statement at page 122 all the categories which were mentioned in page 121 are not set out. For instance the numbers of addressographers and stenographers have not been set out or mentioned. The statement at page 122 refers to the other four branches viz., D. N. Road, Mint Road, S. G. Marg, and Mandvi. The persons mainly concerned, however, as in the earlier statement are from column Nos. 3, 4 and 5. The minimum effected of mechanisation as statement at page 122 will go to show is in the S. G. Marg branch and Mandvi branch.

42. All these three statements filed by the Union were not admitted by the bank. It produced its own figures in its statements dated 18th September, 1981, at pages 96 to 100 which was in reply to the directions of 3rd August, 1981. Correspondingly, these figures are also not admitted by the Union. They show, however, a different picture. In all the statement there are two portions one showing the total strength of the staff in the branch and the other in the concerned department viz., current accounts department. There is no elaborate division but staff is divided into clerical and sub-staff, and sort of supervisory staff such as special assistants and head clerks. In the statement at page 96 pertaining to the M. G. Road branch it will be noticed that the total

strength of the branch of clerical staff of 304 as on 30-6-1973 which date has been taken as date of completion of the mechanisation went down to 295. Correspondingly, the current accounts department strength which was 56 so far as the clerical staff is concerned went down to 48, while the sub-staff strength went down from 11 to 10. According to the bank, this is the effect of mechanisation and this is naturally claims is at minimum possible level. These figures, as I have stated earlier, were also not admitted by the Union. So far as D. N. Road branch is concerned, they stand correspondingly from 206 to 191 while the concerned department strength has gone down from 45 to 34. There is no reduction in the sub-staff. This is of 31st December, 1973, about six months after the date of introduction of mechanisation. In Mint Road branch there is a similar reduction in the staff strength from 138 to 125 and the concerned department from 25 to 13, while in sub-staff there is a reduction of 13 persons. This is also after about six months of the introduction of mechanisation. In S. G. Marg the reduction in the staff strength is very small of 3 in the concerned department of a persons. So far as the sub-staff is concerned, it is nil. At the Mandvi branch the figures are four after a period of six months. There is an increase in the branch strength and there is no decrease in the concerned department strength. On the overall view, therefore, of the entire branch strength in these five branches according to the bank, is considerably less. Since I have discussed the question in abstract with reference to figures and not with reference to persons I do not feel it necessary to refer to the actual "displacement" of men from the various branches referred to in the affidavit dated 12-3-1984.

43. What I have discussed above will go to show that different dates have been adopted for preparation of tables and different classification of the workmen. No attempt was made to establish by either side as to which would be the correct figures with reference to a particular date. According to the contention of the bank the effect of mechanisation and the answer to the question as to whether the displacement was at the minimum possible level has to be given with reference to the period or time when the process of mechanisation was completed. On the other hand, the contention of the Union was that the actual installations of machines and mechanisation may, be completed within short time. But the displacement and the effect of displacement has taken time to appear. I do not think any rigid deadline can be fixed though broadly the period cannot be allowed to extent beyond a reasonable time. I, therefore, do not accept the contention of the bank that the relevant date would be the completion of mechanisation and a few days thereafter or say six months as adopted in their statement. I think it would be reasonable to take a somewhat distant period to ascertain as to what has been the effect of displacement. Two years, therefore, from the time of introduction of mechanisation can be said to be reasonable and that makes allowance for the management to make adjustment of its staff, to re-organise its business in various branches to allocate staff and generally to distribute and arrange work. Besides, some time may also be taken up in watching the effects and the working of mechanisation.

44. It would, therefore, appear to be reasonable to put in this case 1976 as the year of knowing what is the effect of displacement upon the introduction of mechanisation which was on various dates from 1973, but completed in that year.

45. On this basis and since no reliable undisputed material is placed before me nor was there any acceptable evidence to show what exactly is the displacement of staff, the question whether what occurred ultimately was minimum or otherwise it is not possible to determine. In the absence of such material the only other alternative and the best way to proceed before me was to go on the basis of the general staff strength. Between 1973 and 1976 this has gone down to (viz. 61+10=71). Even here I am unable to attribute a reduction in the staff strength altogether to mechanisation. Other factors to which I have already made a reference such as reduction of surplus staff, non-filling of posts which have become vacant, non-filling of naturally eliminated posts by retirement, death, etc. may also have had their share. It is, therefore on this not possible to determine what is the level of displacement in this case between 1973 and 1976.

Consequently, it is not possible to answer the question as to whether it was minimum or otherwise. In spite of the considerable industry put in by the parties it seems to me that the nature of the problem is such and its complexity not fully becoming apparent, the state of the evidence finds up at the end in such a position as I have found.

46. Assuming that this view is not correct and as contended by the Union there has been considerable displacement which at one stage of arguments was put at the figure of 56 per cent, the question is as to what relief the workmen would be entitled. Here again the same problem and difficulty of attributing results directly to mechanisation is difficult. As there is a general picture of continuing reduction in staff strength there is a general picture, even according to the Union, of growth of business, growth of profits and deposits and advances. As to which part of the many factors has contributed to more savings on account of mechanisation and reduction in staff strength it is not possible to determine and fix. All the same, it seems to me that this would be reflected in the financial position of the concern and the workmen would be indirectly benefited therefrom in that they will be entitled to have a large share in the profits for which they can get compensated in terms of better working conditions. In the absence of any casual link possible to be established between the efforts of mechanisation and the prosperity of the bank, even if the workmen are entitled to any relief such relief must come by way of general revision of their working conditions and not by way of any ad-hoc amount claimed by them. In a sense, the demand is for revision of working conditions or for awarding a share of the income by way of profits of the bank to the workmen when they say that Rs. 100 should be paid to every workman. The result of the increase in profits being incapable of attributable to any particular factor and any category of workmen, and since its effects must be shared by way of relief by all it cannot be confined to the effected workmen alone. In the circumstances, the reference must be answered in the manner aforesaid viz., that it is not possible in the state of evidence to determine exactly what was the displacement and whether it was more than the minimum which alone would entitle the workmen to any relief.

47. Award accordingly. No order as to costs.

R. D. TULPULE, Presiding Officer  
[No. L-12011/17/74-LR-III/D.IV (A)]

N. K. VERMA, Desk Officer

New Delhi, the 20th July, 1984

S.O. 2555.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Dhanbad in the industrial dispute between the employers in relation to the management of 6 & 7 Pits Jamadoba Colliery Power House of M/s. Tata Iron & Steel Company Limited, and their workmen, which was received by the Central Government on the 7th July, 1984.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL NO. 1 DHANBAD

In the matter of a reference under section 10(1)(d) of  
the Industrial Disputes Act, 1947.

Reference No. 16 of 1983

PARTIES :

Employers in relation to the management of 6 & 7 Pits  
Jamadoba Colliery Power House of Messrs Tata  
Iron and Steel Company Limited.

AND

Their workmen

PRESENT :

Mr. Justice Manoranjan Prasad (Retd.), Presiding  
Officer.

## APPEARANCES :

For the Management—Shri S. S. Mukherjee, Advocate.

For the Workman—Shri D. Narsingh, Advocate.

STATE : Bihar.

INDUSTRY : Coal.

Dhanbad, the 30th June, 1984

## AWARD

By Order No. L-20012/432/82-D.III(A), dated the 16th/23rd March, 1983, the Central Government has, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Messrs Tata Iron & Steel Company Limited in terminating the services of Shri Ahmed Hussain, the dependent son of Shri Mohammed Mian, Ex-Haulage Khalasi of Jamadoba Colliery Power House was justified? If not, to what relief is the workman concerned entitled?”

2. The case of the concerned workman, Ahmed Hussain, is that his father Mohammed Mian who had joined the services of M/s. Tata Iron & Steel Co. Ltd. (hereinafter referred to as the Company) on 6-5-1943 retired from service on 18-1-1979 after completing nearly 36 years of service as Haulage Khalasi of Jamadoba colliery Power House of the company. According to the rules and practice and procedure of the company, in view of Mohammed Mian's over 30 years service before retirement, he was entitled to get an outright employment for his dependent son, namely, the concerned workman Ahmed Hussain. Mohammed Mian had, accordingly, after his retirement on 18-1-1979, applied to the management by means of his application dated 6-3-1980 for employment of his son Ahmed Hussain on the strength of his service. Thereupon the management in its letter dated 28-5-1980 (Ext.W-8) replied to Mohammed Mian that management had checked up its record and had found that Mohammed Mian was employed on 6-5-1943 and had superannuated from the company's service with effect from 18-1-1979 after putting in 35 years 8 months 12 days service of the company, and since, as per existing procedure, dependent of an employee who retires/resigns etc. after putting in minimum 30 years service is given out right employment on the strength of his service, it had been agreed to employ his son as Category-I mazdoor at Power House, Jamadoba, subject to his medical fitness, and further directed Mohammed Mian to hand over vacant possession of the company's quarter, allotted to him during his employment before his son's employment. In the said letter Mohammed Mian was further advised to see the Manager, Power House, Jamadoba alongwith his son within a week of the receipt of the letter. It is the further case of the concerned workman Ahmed Hussain that accordingly he was medically examined by the company's doctor who had declared him fit for employment in company's service and his father Mohammed Mian had also handed over the vacant possession of the quarter of the company occupied by him to the company and thus all the formalities required by the said letter dated 28-5-1980 (Ext.W-8) of the management were observed. Soon after its aforesaid letter dated 28-5-1980 (Ext.W-8) the management however addressed another letter dated 27-6-1980 (Ext.W-9) with reference to its aforesaid earlier letter dated 28-5-1980 (Ext.W-8) that on further scrutiny of the case it had been found that his brother Jaiul Mian, Fan Khalasi, T. No. 13109 was employed on the strength of his service on and from 1-3-1961, and since Jaiul Mian was not employed 20 years ago, the management regretted its inability to accede to his request for employment of his son as a second dependant on the strength of his service. In this connection the case of the concerned workman is that Jaiul Mian was not the full brother of Mohammed Mian but was a step brother who used to live separately from Mohammed Mian and was not a dependant of Mohammed Mian nor the said Jaiul Mian was appointed in the company's service as a dependant of Mohammed Mian nor Mohammed Mian had ever applied to the management for registering the name of Jaiul Mian as his dependant for any future employment and that the said Jaiul Mian had been appointed in the company's service on his own. Subsequently, however, the

management appointed the concerned workman Ahmed Hussain by letter of appointment dated 10-3-1981 (Ext.M-6) as temporary mazdoor at Jamadoba colliery Power House. But the appointment was made temporary for a period of three months only from 12-3-1981 to 11-6-1981 and the management terminated his services thereafter in utter disregard of its own standing orders. On these grounds, the contention of the concerned workman is that his removal from service was unjustified and that he was entitled to be reinstated to his original job with all his back wages and other benefits including permanent status with continuity of service and all annual increments.

2. The case of the management, on the other hand, is that under the rules of the company an employee after putting in 15 years of service is entitled to get the name of his dependent enrolled for consideration for employment in the company against future vacancies and the dependant of the employee so enrolled is taken into employment if any vacancy arises on the basis of seniority of service of the employee concerned. Further, a dependant of an employee who has put in minimum service of 30 years with the management is given an outright employment on his retirement/resignation etc. provided the said dependant is medically found fit and otherwise suitable and none of his dependants had been employed earlier on the strength of his service. Mohammed Mian, who was appointed on 6-5-1943 and who superannuated with effect from 18-1-1979 as Haulage Khalasi of Jamadoba Power House after putting in 35 years 8 months and 12 days service was informed by the management in its letter dated 28-5-1980 (Ext.W-8) that since he had put in more than 30 years of service it had been agreed to give out right employment to his dependant son as Category-I mazdoor at Power House, Jamadoba, subject to his medical fitness. Meanwhile it was, however, detected that one Jaiul Mian a brother of Mohammed Mian, was working as a Fan Khalasi at Jamadoba Power House bearing, T. No. 13101 who was initially employed with effect from 1-3-1961 as an unskilled worker as a dependant on the strength of service of Mohammed Mian. On the basis of the said findings of employment of Jaiul Mian as the dependant of Mohammed Mian there was no possibility for appointing another dependant son of Mohammed Mian on his superannuation. According to the practice of the company, enrolment of second dependant of an employee who has put in more than 30 years of service is made to consider him against future vacancies if the first dependant has already completed 20 years of service and since Jaiul Mian had not completed 20 years of service till 27-6-1980 the management in its letter dated 27-6-1980 (Ext.W-9) informed Ahmed Mian that since his brother Jaiul Mian, Fan Khalasi, T. No. 13101 was employed on the strength of his service on 1-3-1961, who had not completed 20 years of service till then the management regretted its inability to accede to his request for employment of his son as second dependant on the strength of his service. Subsequently when it was reported that Jaiul Mian the first dependant of Mohammed Mian had completed 20 years of service on 1-3-1981, his second dependant son Ahmed Hussain, the concerned workman, was given a purely temporary appointment for a period of three months from 12-3-1981 to 11-6-1981 as a temporary mazdoor under the letter of appointment dated 10-3-1981 (Ext.M-6) with clear direction that his service would stand terminated automatically on the expiry of the above period or any time before that and the concerned workman accented the said terms and conditions of his temporary appointment and in token of the same he gave his thumb impression on the copy of the appointment letter. The concerned workman Ahmed Hussain was, however, not entitled to be appointed even as a temporary workman because the first dependant of Mohammed Mian, namely Jaiul Mian, had not completed 20 years of service on 18-1-1979, the date of superannuation of Mohammed Mian, and the temporary appointment had been given as a result of over-sight of the period to be taken into account. The concerned workman Ahmed Hussain, also discontinued from his work on his own with effect from 10-6-1981 and he did not complete even the period of three months of his temporary appointment. The appointment of the concerned workman Ahmed Hussain being thus purely temporary he cannot claim to be retained on his job on the

strength of his temporary appointment. It is, thus a pure and simple case of automatic termination of service and the concerned workman Ahmed Hussain is not entitled to any relief.

4. One witness has been examined on behalf of the management. No witness has been examined on behalf of the concerned workman. Some documents have, however, been exhibited on either side.

5. Shri Ashok Kumar Sen (MW-1) was appointed in the company as Assistant Personnel Officer in 1974 at Jamadoba and he is working there as Personnel Officer since 1977. He has deposed that recruitment in the company in unskilled Cat. I jobs is made from amongst the dependants of the employees of the company and there could be no employment of unskilled cat-2 employees directly from outside and this practice is coming on since 1950. He has further deposed that there is a dependent employment register maintained in every colliery department in which the names of dependants of the employees are entered for being appointed as un-skilled Cat. I workmen, if and when any vacancy occurs, and after 15 years of service an employee can get the name of his dependant registered for such employment as Cat. I worker; and the dependants are son, own brother, adopted son and son-in-law and none else; and this has been decided in the various meetings between the management and trade unions operating in the area and this will be found in the minutes of the various meetings and there may be some circulars also of the management on the subject. He has next deposed that if an employee of the company has completed 30 years of service and his first dependant has already been employed for about 20 years, he is entitled to get his second dependant enrolled for future employment as Cat. I workman depending upon the vacancy, and on this point there is already a circular of the management which has been marked Ext. M-7. In his cross-examination he has stated that an employee after completing 15 years of service makes an employee for registering the name of his dependant for future employment as Cat. I workman and thereupon the name of the employee as well as the name of the dependant are entered in the dependant employment register and without any application from the employee, the name of his dependant will not be entered in the dependant employment register. He has further stated that before the appointment of the concerned workman Ahmed Hussain, who is dependant son of Md. Mia, Ex-Haulage Khalasi of Jamadoba Colliery, by appointment letter dated 10-3-1981 (Ext. M-6) for a period of 3 months from 12-3-1981 to 11-6-1981, one Jainul Mia was also appointed as Cat. I Mazdoor as the dependant brother of Md. Mia but he cannot say if Jainul Mia was a step brother of Md. Mia and not a full brother of Md. Mia nor can he say if Jainul Mia and Md. Mia live in the same house or different houses in the same village. He has further stated that he says that Jainul Mia got employment as dependant brother of Md. Mia as in the service records of Jainul Mia and Md. Mia, their father's name is the same and their home addresses are also the same. He cannot, however, say if there is no application of Md. Mia in his office for enrolling Jainul Mia as dependant brother nor does he know if in the dependant employment register Jainul Mia's name is entered as the dependant of Md. Mia, and, in fact, he does not know if there is any register or paper to show that Jainul Mia's name was registered as dependant of Md. Mia. He has next stated that Jainul Mia was appointed as Cat. I Mazdoor on 1-3-1961 and the concerned workman Ahmed Hussain was appointed as Cat. I Mazdoor on 12-3-1981 and by that time Jainul Mia had already completed 20 years of service but on that ground Ahmed Hussain was not entitled to employment as the second dependant son of Md. Mia as Md. Mia had, in the meantime, retired sometime in the year 1979 before Jainul Mia could completed 20 years of service. He has, however, also stated that in the dependant employment register the name of the concerned workman Ahmed Hussain, dependant son of Md. Mia was registered sometime in the year 1981 after Md. Mia had already retired in the year 1979.

6. Ext. M-11 is the service card of Md. Mia which shows his date of birth as 18-1-1918 and the date of his employ-

ment as 6-5-1943 as conveyor mazdoor; and the admittedly retire on 18-1-1979 as Haulage Khalasi, Jamadoba Power House. Ext. M-8 is the service record of Jainul Mia in which the date of his birth is mentioned as 20-3-1937 and the date of his employment as Plant Mazdoor is mentioned as 1-3-1961; and he admittedly still continues in service as Fan Khalasi. In the service records, Ext. M-11, of Md. Mia and in the service records, Ext. M-8, of Jainul Mia their father's name is mentioned as Abdul Mia and it is not disputed that Jainul Mia is a brother of Md. Mia, though it is the case of the concerned workman Ahmed Hussain that Jainul Mia is not the full brother of Md. Mia but is a step brother.

7. No systematic rule of the company compiled at one place has been filed to show as to in what circumstances and under what conditions a first dependant or a second dependant of an employee of the company is entitled to be employment under the company. It, however, appears that during the Conciliation proceedings the Assistant Labour Commissioner (C), Dhanbad, had desired the management to furnish to him the employment procedure of the company in this regard on which the Assistant Director of collieries (J) of the company, had given to the Assistant Labour Commissioner (C), Dhanbad, the following procedure in his letter dated 16-9-1982 (Ext. W.10).

- "(1) One dependant of an employee who superannuates, resigns or is discharged medically after putting in minimum of 30 years service is given outright employment if none of his dependents is found to have been employed till then on the strength of his service.
- (2) An employee, who puts in 15 years service is eligible to enrol the name of his dependant at the colliery or department where he works. Their names are registered in Employees Dependents register maintained. Whenever vacancy arises, the seniormost amongst the employees in the Register will be considered for his dependant's employment. This is subject to condition that none of his dependant is in the employment of the company.
- (3) The dependant is considered for employment in unskilled job of Category-I on the strength of employee's service."

Another document which has been filed in this regard is Ext. M-7 which is a circular dated 27/28-12-1976 of the Divisional Manager (Collieries) to all Heads of the Departments in which it is stated that after a threadbare discussion held during the Union-Management meeting with the Managing Director on 27-10-1976 the following procedure had been laid down which should be followed while considering employment of second dependant of the employee on the strength of his service :—

- (i) If an employee has put in 30 or more years of service and his one dependent was already employed on the strength of his service more than 20 years ago, he can register his second dependent for employment.
- (ii) An employee, who has completed 40 years service or more and his one dependent is already in employment on the strength of his service, his second dependent will be given employment outright.
- (iii) While calculating the years of service, six months or more would be counted as one year.
- (iv) The above decision will be applicable to the employees, who are on Company's roll on 27-10-76 and thereafter.

8. Ext. W-8 is a letter dated 28-5-1980 written by the Chief Personnel Manager (collieries) to Md. Mia, Ex-Haulage Khalasi with reference to his application dated 6-3-1980 requesting for employment of his son on the strength of his service. In the said letter the Chief Personnel Manager (collieries) had written to Md. Mia that he had checked his service records and had found that he was em-

ployed on 6-5-1943 and superannuated from the company's service with effect from 18-1-1979 after putting in 35 years, 8 months and 12 days service with the company, and, as per existing procedure, dependant of an employee, who retires/resigns etc. after putting in minimum 30 years service, is given outright employment on the strength of his service, and, keeping the above facts in view, it had been agreed to employ his son as Cat. I Mazdoor at Power House, Jamadoba, subject to his medical fitness. In the said letter the Chief Personnel Manager (collieries) also directed Md. Mia to hand over vacant possession of the company's quarter, if any, allotted to him during his employment before his son's employment and further advised Md. Mia to see the Manager, Power House, Jamadoba along with his son within a week of the receipt of this letter, who will do the needful in the matter. In this connection, the uncontroverted case of the concerned workman Ahmed Hussain in his written statement is that he was accordingly medically examined by the company's doctor who had declared him fit for employment in company's services and his father Md. Mia had also handed over vacant possession of the quarter of the company occupied by him to the company and thus all the formalities required by the said letter dated 28-5-1980 (Ext. W-8) of the management were observed. Soon thereafter, however the Chief Personnel Manager (collieries), while referring to his earlier letter dated 28-5-1980 (Ext. W-8), wrote a second letter dated 27-6-1980 (Ext. W-9) to Md. Mia that on further scrutiny of the case it had been found that his brother Jainul Mia, Fan Khalasi, was employed on the strength of his service on and from 1-3-1961 and since Jainul Mia was not employed 20 years ago it was not possible to accede to his request for employment of his son as second dependant on the strength of his service and hence his previous letter dated 28-5-1980 (Ext. M-8) be treated as cancelled.

9. It is next the case of the management in its written statement that subsequently when it was reported that Jainul Mia, the first dependant of Md. Mia, who had been appointed on 1-3-1961, had completed 20 years of service on 1-3-1981, his second dependant son Ahmed Hussain, the concerned workman, was given a purely temporary appointment for a period of 3 months from 12-3-1981 to 11-6-1981 as temporary Mazdoor under the letter of appointment dated 10-3-1981 (Ext. M-6). It is further the case of the management in this regard in its written statement that the concerned workman Ahmed Hussain was not entitled to be appointed even as a temporary workman as the first dependant of Md. Mia namely, Jainul Mia had not completed 20 years of service on 18-1-1979, the date of superannuation of Md. Mia, and the temporary appointment had been given as a result of oversight of the period to be taken into account, and, therefore, on the expiry of the said 3 months, the employment of Ahmed Hussain automatically came to an end.

10. Thereafter Md. Mia wrote a letter dated 16/18-1-1982 (Ext. M-2) to the General Manager (collieries) stating that after having served the company for a fairly long period of 35 years, 8 months and 12 days, he was superannuated from the company's services with effect from 18-1-1979 and after numerous representations the Chief Personnel Manager (Collieries) had in his letter dated 28-5-1980 (Ext. W-8) informed him that according to the existing procedure he had become eligible to secure employment for his son and he was advised to see the Manager, Power House, alongwith his son for his employment, and accordingly, he complied with the directions, but, instead of providing any permanent job to his son, his son was given temporary job for 3 months by letter dated 10-3-1981 (Ext. M-6), and, after the expiry of 3 months he was thrown out of the employment which was a cruel joke with an old employee of 36 years long service as none had been employed earlier on the strength of his service and he emphatically challenged the same. In reply to the aforesaid letter dated 16/18-1-1982 (Ext. M-2) of Md. Mia, the Chief Personnel Manager (collieries) wrote to him the letter dated 11/12-3-1982 (Ext. M-3) telling him that since he had put in more than 30 years of service with the company it was agreed to employ his son as Cat. I Mazdoor in Power House, Jamadoba, vide letter dated 28-5-1980 (Ext. W-8), but subsequently it was

revealed that his brother Jainul Mia, Fan Khalasi, had already been employed on the strength of his service from 1-3-1961, and since one of his brother was already employed on the strength of his service, his request for his son's employment on the strength of his service could not be agreed to and the management's said letter dated 28-5-1980 (Ext. W-8) was, therefore, treated as cancelled and the position was explained to him in the management's subsequent letter dated 27-6-1980 (Ext. W-9). Thereafter Md. Mia again wrote a letter dated 6-4-1982 (Ext. M-4) to the General Manager (collieries) stating that his humble and genuine request for employment of his son Ahmed Hussain in view of his 36 years long and faithful service was rejected under a totally wrong impression that some brother of his had already been employed in the Power House on the strength of his service in 1961, when, by that time he himself had put in only 18 years of service and that the said impression was totally wrong as none of his brother had ever been employed in the company on the strength of his service nor the records of the company would show any application from him for appointment of his brother and that his step brother Jainul Mia, who is working in the Power House as Fan Khalasi, was taken in employment on his own and not on the strength of his service and he was not also his dependant and had ever been living separately. In the said letter, Md. Mia prayed for reconsidering the case and to take his son Ahmed Hussain in the employment of the company, who had, in fact, actually been taken in the service of the company in March, 1981 but had been given only a temporary job in the Power House and was summarily removed from service on the incorrect ground that his brother had already been given a job on the strength of his service. He, therefore, prayed again that his son Ahmed Hussain may be employed in the company on the strength of his 36 years of service. Ext. M-5 is the reply dated 7/10-5-1982 of the Chief Personnel Manager (collieries) explaining his inability to accede to the request of Md. Mia for the reasons given in his earlier letter dated 11/12-3-1982 (Ext. M-3).

11. Ext. M-10 is a representation dated 29-5-1982 made by the concerned workman Ahmed Hussain to the General Manager (Collieries) raising similar issue as had been earlier raised by his father Md. Mia in the correspondences referred to above and praying for his reinstatement in service and to allow him to continue in permanent employment but this was rejected by letter dated 14/17-6-1982 (Ext. M-1) written by the Chief Personnel Manager (collieries) to the concerned workman Ahmed Hussain. Thereupon, the concerned workman wrote a letter dated 22-6-1982 (Ext. W-5) to the Assistant Labour Commissioner (C), Dhanbad, raising the present dispute. Ext. W-3 is a letter dated 18-8-1982 of the Deputy Divisional Manager (A) to the Assistant Labour Commissioner (C), Dhanbad containing the management's comments in which the managements stand as stated above was reiterated. Ext. W-4 is the reply dated 27-8/10-9-1982 of the concerned workman Ahmed Hussain to the management's aforesaid comments contained in Ext. W-3. The conciliation proceedings, however, ended in failure on which the Assistant Labour Commissioner (C), Dhanbad sent his failure report dated 30-11-1982 (Ext. W-2) to the Government of India, Ministry of Labour, leading to the present reference.

12. Thus, according to the management's own rules one dependant of an employee, who superannuates, resigns or is discharged on medical grounds after putting in minimum of 30 years service is given outright employment, if none of his dependants is found to have been employed till then the strength of his service. Admittedly, Md. Mia, who was employed on 6-5-1943 and who superannuated from the company's service with effect from 18-1-1979, had put in more than 30 years of service, and, as such, one dependant of his was entitled to be given outright employment, if none of his dependants had already been employed on the strength of his service. This position was also conceded by the management in the letter dated 28-5-1980 (Ext. W-8) written by the Chief Personnel Manager (collieries) to Md. Mia by which the Chief Personnel Manager (collieries) had informed Md. Mia that his service records had been checked and since he had put in more than 30 years of service it had been agreed to employ his son as Cat. I

Mazdoor at Power House, Jamadoba. The Chief Personnel Manager (Collieries), however, so on resiled from that position in his subsequent letter dated 27-6-1980 (Ext. W-9) written by him to Md. Mia in which he informed Md. Mia that on further scrutiny of the case it had been found that his brother Jainul Mia, Fau Khalasi, was employed on the strength of his service on and from 1-3-1961, and since Jainul Mia was not employed 20 years ago it was not possible to concede to his request for employment of his son as second dependant on the strength of his service. It was, however, emphatically denied by Md. Mia in his letters dated 16/18-1-1982 (Ext. M-2) and 6-4-1982 (Ext. M-4) written by him to the General Manager (collieries) that his step brother Jainul Mia had been employed in the service of the company on the strength of his service as his dependant and in those letters Md. Mia further asserted that his step brother Jainul Mia, who had ever been living separately from him, had been taken in the employment of the company on his own and not on the strength of his service. This stand was also reiterated by Md. Mia's son Ahmed Hussain, the concerned workman, in his representation letter dated 29-5-1982 (Ext. M-10) addressed to the General Manager (collieries) and this had also been his stand in the letter dated 22-6-1982 (Ext. W-5) written by him to the Assistant Labour Commissioner (C), Dhanbad by which he had raised the present dispute and this is also his stand in his written statement filed in the present case. In this connection, it is also the evidence of the management's own witness Sri Ashok Kumar Sen (MW-1), who joined the company in the year 1974 as Assistant Personnel Officer at Jamadoba and who is Personnel Officer of the company since 1977, that an employee after completing 15 years of service makes an application for registering the name of his dependant for future employment at Cat. I workman and thereupon the name of the employee as well as the name of the department are entered in the department employment register and without any application from the employee the name of his dependant will not be entered in the dependant employment register. He can not, however, say if there is no application of Md. Mia in his office for enrolling Jainul Mia as dependant brother nor does he know if in the dependant employment register Jainul Mia's name is entered as dependant of Md. Mia, and, in fact, he does not know if there is any register or paper to show that Jainul Mia's name was registered as dependant of Ahmed Mia. He has further stated that his only basis for saying that Jainul Mia got employment as dependant brother of Md. Mia is that in the service records of Jainul Mia and Md. Mia their father's name is the same and their home addresses are also the same. That can, however, only be a basis for saying that Jainul Mia and Md. Mia being the sons of the same father are brothers amongst themselves either full brothers or step brothers but that can not be a basis for saying that Jainul Mia had been appointed on 1-3-1961 as an dependant of Md. Mia on the strength of service of Md. Mia. Sri Ashok Kumar Sen (MW-1) is also not competent to say from his any personal knowledge that Jainul Mia had been appointed on 1-3-1961 as a dependant brother of Md. Mia on the strength of his service as Sri Ashok Kumar Sen (MW-1) was himself not in company's employment in 1961 and he joined the company's employment 14 years later in 1974. No application of Md. Mia for registering the name of his brother Jainul Mia as his dependant in the dependant employment register for future employment on the strength of his service has been filed by the management nor the dependant employment register has been filed to show that Jainul Mia's name was entered therein as dependant of Md. Mia for future employment on the strength of his services nor any explanation has been given by the management for its non filing; and hence adverse inference must be drawn against the management and it just be held that the management has purposely withheld the dependant employment register as, if filed, it would have shown that Jainul Mia's name was not entered in the dependant employment register as a dependant of Md. Mia on any application of Md. Mia for future employment on the strength of his service. The burden of proving that Jainul Mia was appointed on 1-3-1961 as a dependant of Md. Mia on his application and on the strength of his service was undoubtedly on the management which the management has hopelessly failed to discharge and it must, therefore, be held that

Jainul Mia was employed on 1-3-1961 by company not as a dependant of Md. Mia on any application of Md. Mia on the strength of his service and that Jainul Mia was appointed on his own.

13. In view of the aforesaid findings that Jainul Mia was appointed on 1-3-1961 on his own and not as dependant of Md. Mia, the subsequent stand of the Chief Personnel Manager (collieries) in his letter dated 27-6-1980 (Ext. W-9) cancelling his earlier letter dated 28-5-1980 (Ext. M-8), in which an offer was made to give outright employment to the son of Md. Mia on the strength of his more than 30 years of service, on the ground that on further scrutiny it had been found that Md. Mia's brother Jainul Mia was employed on the strength of his service on and from 1-3-1961 must be held to be based on no material and hence fully unjustified. Therefore the concerned workman Ahmed Hussain dependant son of Md. Mia, was entitled to get outright employment in the company's service as Cat. I Mazdoor in Power House, Jamadoba, as had been agreed to by the company in the letter dated 28-5-1980 (Ext. W-8) written by the Chief Personnel Manager (collieries) to Md. Mia, on the strength of Md. Mia's more than 3 years of service with the company.

14. But even if it is assumed for a moment for the sake of argument that Jainul Mia had been appointed by the company on 1-3-1961 as a dependant brother of Md. Mia on the strength of his service, still under the circular dated 27/28-12-1976 (Ext. M-7) of the Divisional Manager (collieries) to all Heads of Departments, Ahmed Hussain, the concerned workman, was entitled to be appointed as the second dependant of Md. Mia on or after 1-3-1961 when Jainul Mia had already completed 20 years of service, and, in fact, it is the management's own case in its written statement that when it was reported that Jainul Mia had completed 20 years of service on 1-3-1981, Md. Mia's second dependant son Ahmed Hussain, the concerned workman, was given an appointment letter dated 10-3-1981 (Ext. M-6) which was, however, a temporary appointment for a period of 3 months from 12-3-1981 to 11-6-1981. The said circular dated 27/28-12-1976 (Ext. M-7), however, nowhere envisages about temporary appointment of the second dependant of an employee who has put in 30 or more years of service and whose one dependant was already employed on the strength of his service more than 20 years ago. Therefore, the appointment which was given to the concerned workman Ahmed Hussain by letter dated 10-3-1981 (Ext. M-6) as a second dependant of Md. Mia must be held to be an outright appointment which in the context of the aforesaid circular dated 27/28-12-1976 (Ext. M-7) and the letter dated 16-9-1982 (Ext. W-10) of the Assistant Director of collieries (J) to the Assistant Labour Commissioner (C), Dhanbad written during conciliation proceedings means a permanent appointment as Cat. I mazdoor in Jamadoba Power House, though the said letter purported to give him only temporary appointment for a period of 3 months from 12-3-1981 to 11-6-1981. The belated stand of the management in its written statement that the concerned workman Ahmed Hussain was not entitled to be appointed even as a temporary workman on 10-3-1961, as had been done by the letter of appointment dated 10-3-1981 (Ext. M-6), because though by that time Jainul Mia had completed 20 years of service, the said 20 years of service had not been completed before 18-1-1979 when Md. Mia had retired, is clearly an afterthought as it is neither expressly mentioned in the aforesaid circular dated 27/28-12-1976 (Ext. M-7) that the first dependant of an employee must complete 20 years of service before the date of retirement of the employee concerned to entitle his second dependant to be considered for employment nor it was the stand of the management in the letter dated 27-6-1980 (Ext. W-9) of the Chief Personnel Manager (collieries) addressed to Md. Mia in which the only ground which was given for not employing his son as his second dependant on the strength of his service was that Jainul Mia was not employed 20 years prior to the writing of the said letter dated 27-6-1980 and not that Jainul Mia had not completed 20 years of service by 18-1-1979 when Md. Mia had superannuated. Therefore on 10-3-1981 when the letter of appointment dated 10-3-1981 (Ext. M-6) was issued to the concerned workman Ahmed Hussain he was



entitled to be appointed even as a second dependant of Md. Mia assuming that Jainul Mia was appointed on 1-3-1961 as the first dependant of Md. Mia, though, as a matter of fact it has already been held above that Jainul Mia was appointed on 1-3-1961 not as the first dependant of Md. Mia but on his own, and that the concerned workman Ahmed Hussain was entitled to be appointed as the first dependant of Md. Mia.

15. In either view of the matter, therefore, the concerned workman Ahmed Hussain was entitled to outright appointment as Cat. I Mazdoor on the strength of the service of his father which in the context of Ext. M-7 and W-10 means permanent appointment, and hence his appointment as Cat. I Mazdoor at Jamadoba Power House under the letter of appointment dated 10-3-1981 (Ext. M-6) must be held to be a permanent appointment though it purported to be a temporary appointment for a period of 3 months only from 12-3-1981 to 11-6-1981, and in that view of the matter, discontinuation or termination of his service as Cat. I Mazdoor at Jamadoba Power House on the expiry of the said period of 3 months must be held to be unjustified and uncalled for entitling him to reinstatement with effect from 11-6-1981 as Cat. I Mazdoor in Jamadoba Power House with full back wages. The reference is answered and the award is made accordingly but in the circumstances of the case there will be no order as to cost.

MANORANJAN PRASAD, Presiding Officer

[No. L-20012(432)]82-D.III(A)]

S.O. 2556.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 3, Dhanbad in the industrial dispute between the employers in relation to the management of Sendra Bansjora Colliery of M/s. Bharat Coking Coal Limited, and their workmen, which was received by the Central Government on the 10th July, 1984.

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO. 3, DHANBAD

Reference No. 18/83

PRESENT :

Shri J. N. Singh, Presiding Officer.

PARTIES :

Employers in relation to the management of Sendra Bansjora Colliery of M/s. Bharat Coking Coal Ltd.

AND

Their workman.

APPEARANCES :

For the Employers—Sri G. Prasad, Advocate.

For the Workman—Sri B. D. Paswan, Advocate.

INDUSTRY : Coal. STATE : Bihar

Dated, the 30th June, 1984

#### AWARD

The Govt. of India in the Ministry of Labour in exercise of the powers conferred on them U/S 10 (1)(d) of the Industrial Disputes Act, 14 of 1947 has referred the dispute to this Tribunal for adjudication under Order No. L-20012 (34)/83-D.III(A) dated the 28th June, 1983.

#### SCHEDULE

“Whether the action of the management of Sendra Bansjora Colliery of M/s. Bharat Coking Coal Ltd., in stopping Shri Sudama Das from duty from August, 1981 is justified? If not, to what relief is the workman entitled and from what date?”

2. The case of the workman is that he was working under the opp. party and was originally appointed at West Modidih Colliery as a Miner Loader in the year 1971. In the year 1978 he was transferred to Sendra Bansjora Colliery along with others. He worked therefor several years and thereafter he was stopped work by order dated 16-8-81. It is

submitted that no notice was ever issued against him nor any chargesheet was drawn or domestic enquiry was held. It is also submitted that during the course of his employment he received training on two occasions and also got identity card from the management.

3. According to the workman the order of stoppage of his work is illegal and unjustified and hence he is entitled to be reinstated with full back wages.

4. The management has taken the plea that the sponsoring union has got no locus-standi to raise the dispute. But this plea was not pressed at the time of hearing nor any evidence was adduced.

5. According to the management, however, one Sudama Das alias Sudama Rabidas was originally appointed as Miner Loader at West Modidih Colliery. The said Sudama Das died in Eiharsarif Sadar Hospital on 26-1-77 which was not known to the management. After his death Banshi Mochi who is the workman concerned impersonated Sudama Rabidas alias Sudama Das and entered into service in his place and clandestinely managed to get himself transferred to Sendra Bansjora Colliery.

6. It is then stated that one Mosamat Keshri Devi widow of late Sudama Das represented to the Regional Labour Commissioner that her husband Sudama Das died in Bihar-sarif Sadar Hospital which was supported along with the copy of the medical certificate issued by the hospital and alleged that another person had obtained employment in the colliery in place of her husband. The case of Mosamat Keshri Devi was taken up by the President, Coalfield Labour Union vide his letter dated 31-1-81 and on receipt of the complaint of Keshri Devi the concerned workman who was impersonated as Sudama Rabidas was stopped from duty by letter dated 20-8-81 and an FIR was also lodged with Kendwadiah Police Station against the concerned workman and the investigation is still pendig before the Police as well as by the Vigilance Department of B. C. C. Ltd. It is submitted that Banshi Mochi the concerned workman obtained employment by fraud and so the management was fully justified in stopping him from duty.

7. The concerned workman, however, has denied that his name is Banshi Mochi or that he impersonated any Sudama Rabidas. He has pleaded ignorance about any Sudama Das or Sudama Rabidas. The prayer of the management is that the Reference be decided in their favour.

8. The point for consideration is as to whether the management was justified in stopping Sudama Das from duty from August '81. If not to what relief is he entitled.

9. It is not denied that the concerned workman was working under the present management for the last several years. He also received identity card from the present management which has been marked Ext. W-3. This identity card bears his photograph also which is not disputed. The concerned workman as also filed Exts. W-2 and W-2/1 to show that he was sent for some vocational training and received certificate. He has also filed the transfer order Ext. W-1 dated 21-4-78 transferring him to Sendra Bansjora Colliery where he was working before he was stopped work. The question is as to whether the management was justified in stopping him from work permanently.

10. Admittedly no chargesheet was issued against the concerned workman nor any domestic enquiry was held against him. For the first time a complaint was received by the management from one Keshri Devi alleging that her husband was working in the colliery who died on 26-1-73 and someone-else was impersonated and was working in place of her husband. This representation for the first time was filed by Keshri Devi in the year 1981. Naturally when such a petition was filed the duty of the management was to make an enquiry and if it was found that the concerned workman impersonated anybody else when he should have been removed from service. But no such step was taken by the management. The simple case of the management is that when such a complaint was received the concerned workman was stopped from work and an FIR was

lodged before the Police and the matter was also given to the vigilance department of the B. C. C. L. in that circumstance when the concerned workman was working for the last several years, the management ought to have waited for the report of the vigilance department or the action taken by the Police.

11. No evidence has been adduced to show that any FIR was lodged against the concerned workman nor anything against him is under investigation by B. C. C. L., and it appears that both these pleas are not correct. If any FIR would have been lodged then the Police must have taken action. The FIR is said to have been lodged in the year 1981 when the complaint was received from Keshri Devi and though it is 1984 nothing has been done by the Police, and it appears, as stated earlier, that no FIR was ever lodged. Ext. M-10 is the letter dated 10-8-81 from the Personnel Manager to the Agent, Sendra Bansjora Colliery on which action was taken against the concerned workman. In this letter it is alleged that Keshri Devi wife of late Sudama Rabi-das had represented that her husband was an employee of West Modidihi Colliery died on 26-1-73 at Biharsarif District Hospital and that one Banshi Mochi impersonating in the name of late Sudama Das had entered in the employment of B. C. C. L. and was at present working in Sendra Bansjora Colliery. The matter was put up before the General Manager who is of the opinion that an FIR in this connection may be lodged with Jogta Police Station against the impersonator and he should be stopped from duty forthwith. On the basis of this letter, Ext. M-15 a letter dated 20-8-81 was issued against the concerned workman in which in the last line it is mentioned that till the allegations made against him was not proved he was suspended. Thus this letter shows that only an order of suspension was passed against the concerned workman. On behalf of the management, however, a written argument has been filed in which it is contended that it was not a case of suspension but a case of stopping duty permanently and that the employment of the workman has come to an end. Thus according to the management themselves the stoppage of work means permanent end of relationship of employment and employee between the management and the concerned workman.

12. It is now well settled that any kind of termination whether by striking out of name or stoppage of workman amounts to retrenchment and in such cases provisions of Section 25F of the I. D. Act should be followed. The concerned workman was working permanently for several years under the management continuously and in that circumstance if he was stopped from work the proper course for the management was to take steps U/s 25F of the I. D. Act and pay him retrenchment compensation.

13. If, however, it was a case of suspension then the proper course for the management was to hold an enquiry on the allegations made by Keshri Devi and then pass necessary orders. But neither of these two courses was adopted.

14. Before this Court the management filed some representations filed by Keshri Devi before the Mukhiya etc. and some letters written to the Ex-Chief Minister as also Coalfield Labour Union. In these letters the said lady never made out a case that the concerned workman was her Dewar but during evidence before this Tribunal she has stated that the concerned workman is her Dewar which has been denied by the concerned workman in his evidence. This plea of the lady thus appears to be an after thought. The management has, however, filed the entry in the admission register of the Biharsarif Hospital Exts. M-10 & M-10/1 as also Medicine Register Ext. M-11 and Death Certificate Ext. M-12 which have been proved by MW-4 the Head Clerk of the Hospital and it is contended on behalf of the management that from all these documents it is proved that Sudama Das died on 26-1-73 and that the concerned workman was an imposter. They have also examined MW-2 Sri A. M. Prasad on behalf of the union to say that he took up the case of the concerned workman. None of the employees of the management has come to depose in this case. On the basis of these documents, however, it was contended that the Court should hold that the concerned workman is an imposter and so his stoppage was justified.

15. But the question is that this Court is not to decide the identity or otherwise of the concerned workman in the present Reference. The Reference is as to whether the stoppage is justified. It is now here the case of the management that the management stopped work after being satisfied that the concerned workman was an imposter after holding any enquiry. The records clearly indicate that as soon as a complaint was received the concerned workman was stopped work out-right without taking any step or enquiry against him. The management never filed any petition before this Court that the concerned workman had been stopped work on the ground of fraud committed by him and that the management should be given an opportunity to prove the said fraud or misconduct against the concerned workman. Under these circumstances this Tribunal in the present Reference cannot decide about the misconduct if any committed by the concerned workman.

16. It is clear that the concerned workman was stopped from duty permanently without holding any enquiry against him or without complying with the provisions of Section 25F of the I. D. Act as it was definitely a case of retrenchment.

17. In such circumstances the action of the management in stopping work of the concerned workman permanently must be held to be illegal and unjustified. The concerned workman, therefore, is entitled to be reinstated in service with full back wages within one month from the date of publication of this award. The management, however, will be at a liberty, after reinstatement of the concerned workman, to hold a regular enquiry against him and take necessary action as deem proper.

18. The award is passed accordingly.

J. N. SINGH, Presiding Officer  
[No. L-20012(34)/83-D.III(A)]

New Delhi, the 20th July, 1984

S.O. 2557.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 3 Dhanbad in the industrial dispute between the employers in relation to the management of Madhuban Colliery of M/s. Bharat Coking Coal Limited, and their workmen, which was received by the Central Government on the 16th July, 1984.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO. 3, DHANBAD

Reference No. 11/83

PRESENT:

Shri J. N. Singh—Presiding Officer.

PARTIES:

Employers in relation to the management of Madhuban Colliery of M/s. Bharat Coking Coal Ltd. Dhanbad.

AND

Their workmen

APPEARANCES:

For the Employers—Shri B. Joshi, Advocate.

For the Workmen—Shri J. D. Lal, Advocate.

INDUSTRY : Coal

STATE : Bihar.

Dated, the 6th July, 1984

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them U/s. 10 (1)(d) of the Industrial Disputes Act, 14 of 1947 has referred the dispute to this Tribunal for adjudication under Order No. L-20012(39)/83-D.III(A) dated the 23rd May, 1983.

SCHEDULE

"Whether the action of the management of Madhuban Colliery of M/s. Bharat Coking Coal Limited, Dhanbad in treating the workmen listed in the Annexure below as piece-rated workmen and not as time-rated workmen, is justified? If not, to what relief are the concerned workmen entitled and from what date?"



## ANNEXURE

1. S/Shri Sher Mohammad
2. " Ram Prasad Gossain
3. " Salim Sheikh
4. " Kasim Sheikh
5. " Phul Chand Rabidas
6. " Jyotilal Mahto
7. " Abdul Mian
8. " Samsuddin Mian
9. " Chuni Lal Mahto
10. " Yakub Mian
11. " Manju Gope
12. " Raghu Nath Dushad
13. " Jiten Mehra
14. " Gambhir Mehra
15. " Bharat Rajwar
16. " Shyam Lal Gope
17. " Jagan Mahto
18. " Phul Chand Mahto
19. " Md. Hussain.

2. The case of the concerned workmen is that they were working as Stone Cutters in Madhuban Colliery since before nationalisation which took place on 1st May, 1972. They were, however working under contractor but after nationalisation they were absorbed by the management and the management started paying them at the rate of Rs. 5 per day which was Category I time-rated under the Coal Wage Board recommendation which was in force at that time. It is submitted that the job of time-rated stone cutters has been placed in Category IV and so the concerned workmen being aggrieved by the action of the management in paying them only Category I wages raised a dispute for payment of Category IV wages and also for payment of arrears and after negotiation they were placed in Category IV time-rated and were also paid arrears of wages.

3. It is then alleged that after fixing the basic wage in time-rated scale the management did not give them annual increment payable to a time-rated workman as per Coal Wage Board recommendation and therefore the concerned Workmen filed an application U/S "(c) (2) for computation of arrears arising out of non-payment of increment and the said case was numbered as L. C. case No. 27/75 before the Labour Court No. 2, Dhanbad. In the said case the management came with a plea that the concerned workmen were piece-rated stone cutters and hence they were not entitled to annual increment. After hearing the parties it was, however, held that the concerned workmen were time-rated workmen and the Court ordered for payment of annual increment to them from 13th July, 72 to 31st October, 75 by order dated 6th July, 79. The management as per said order paid the increment with arrears as per amount computed by the Labour Court.

4. It is, however, alleged that in spite of the said order the management arbitrarily started treating these workmen as piece-rated and did not give them annual increment for further period. It is submitted that the said action of the management is not justified and that the management has no authority to treat them as piece-rated arbitrarily without complying the provisions of Section 9A of the I. D. Act as it amount to change of service condition without notice. It is also submitted that though even after 1979 the management started treating them as piece-rated but strangely enough no daily work slip of the quantum of work done nor any measurement is taken daily and the workmen are being paid arbitrarily. It is prayed that it be held that the action of the management in treating the concerned workmen as piece-rated stone cutters with effect from 1979 is illegal, arbitrary and unjustified and that they should be treated time-rated stone cutters and be paid annual increment accordingly.

5. According to the management, however, though the stone cutters are both piece-rated and time-rated but the management has got power to treat any stone cutters either as piece-rated and time-rated and that the union of the workmen cannot challenge the said authority of the management the management but were placed in piece-rate. It is submitted. It is stated that these stone cutters were previously working under contractors and they were subsequently absorbed by the management but were placed in piece-rate. It is submitted that the order of the Labour Court holding them time-rated and allowing them increment was based on some confusion

and that the concerned workmen are not entitled to be treated as time-rated.

6. On the above allegations it is prayed that the Reference be decided in favour of the management.

7. The point for consideration is as to whether the action of the management in treating the concerned workmen as piece-rated and not as time-rated is justified. If not, to what relief they are entitled and from what date.

8. It is admitted that the concerned workmen are all stone cutter. It is also admitted that they were absorbed by the management after nationalisation, it is also not denied that at the time of absorption the concerned workmen were put in Category I as time-rated but on dispute being raised by them they were put in Category IV and they were also paid arrears accordingly. Thereafter the concerned workmen were not paid annual increment payable to them as time-rated workmen and hence they filed L. C. Case No. 27/75 before the Labour Court No. 2, Dhanbad. Ext. W-1 is the order of the Labour Court passed on 6-7-79. It will appear from a perusal of the said order that the management contended in that case that the concerned workmen were piece-rated and not time-rated but the Court on consideration of evidence held that the concerned workmen were time-rated workmen and allowed them annual increment with arrears as prayed for.

9. On the basis of this judgment it has been urged on behalf of the union that the finding of the Labour Court is res judicata and the management cannot now take the plea that the concerned workmen are piece-rated and that the same issue cannot be agitated again and again. In support of it the learned Advocate for the workmen has cited before me a ruling reported in 12 S.C.L.J. page 462. It will appear from a perusal of the said ruling that in an Application U/S 33A of the I.D. Act one of the issue was as to whether the employee was a workman or not within the meaning of the Industrial Disputes Act and it was held that he was a workman. There was another application by the same party U/S 33(c)(2) of the I.D. Act in which also the same issue was raised by the management but it was held that the decision given in Application U/S 33A of the I.D. Act was a bar and the same issue cannot be agitated again by the management because it was barred by the principles of res judicata.

10. The principles laid down in this ruling apply in all force in the present case. The Labour Court judgment will indicate that it was definitely held that the concerned workmen were time-rated workers and were entitled to increment which was also paid to them by the management as per order of the Court. The management did not move the High Court against the said judgment and therefore the said judgment must be binding on them. The same issue, therefore cannot be raised in the present Reference again by the management.

11. The management, however, has filed Ext. M-1 series which are bunches of measurement of work done by these workmen along with Form A and Ext. M-2 series are the wage sheets. But they are all of the year 1982. No document of previous years have been filed. Further the measurement would show that it was not done daily and no work slip was issued to these workmen as required in case of piece-rated workers and the payment appears to have been made arbitrarily. After the judgment of the Labour Court it was incumbent upon the management to treat these workmen as time-rated and pay them annual increment as provided under the Law.

12. The management has no doubt examined 3 witnesses who have stated that the workmen are treated as piece-rated and are paid monthly, but this is against the order passed by the Labour Court and no payment should have been made to these workmen on piece-rate basis.

13. The workmen also filed representations Ext. W-2 series and also raised dispute before the A.L.C. through their union by letter Ext. W-3 in spite of it they were not treated as time-rated and not paid their increments.

14. It was, however, urged on behalf of the management that under N.C.W.A.I. & II Stone Cutters are placed both in time-rated and piece-rated category and it is upto the management to treat them either as time-rated according to their convenience and a time-rated or piece-rated stone cutter can be chang-

ed to piece-rated vice-versa. But this contention of the management is not tenable. The two agreements or the Coal Wage Board recommendation no where provides that the management has got authority to change a time-rated workmen to a piece-rated workmen and vice-versa at their own sweet will. Such change will amount to change in the mode of payment of wages which comes under Fourth Schedule of the Industrial Disputes Act and for any change in mode of payment a notice U/S 9A of the Industrial Disputes Act is mandatory. Admittedly no such notice was issued to these workmen by the management and hence the action of the management in treating these workmen as piece-rated is illegal and unjustified.

15. Considering the facts and circumstances of the case and evidence on the record, I hold that the action of the management in treating the concerned workmen as piece-rated workmen is illegal and unjustified. They are entitled to be treated as time-rated workmen with effect from 1st November, 75 and also entitled to get annual increment as provided under the rules because they have received their annual increment from 1st November, 75 as time-rated workers on the basis of judgement by the Labour Court passed in L.C. Case No. 27/75.

16. The award is passed accordingly.

J. N. SINGH, Presiding Officer

[No. L-20012(39)/83-D. III(A)]

A. V. S. SARMA, Desk Officer

S.O. 2558.—In pursuance of section 17 of the industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Chandigarh in the industrial dispute between the employers in relation to the management of Food Corporation of India, Chandigarh and their workmen, which was received by the Central Government on the 17th July, 1984.

BEFORE SHRI I. P. VASISHTH, PRESIDING OFFICER,  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,  
CHANDIGARH

Case No. I.D. 12/84

PARTIES:

Employers in relation to the management of Food Corporation of India, Chandigarh.

AND

Their Workman—Ashok Kumar.

APPEARANCES:

For the Employers—Shri B. L. Laroia.

For the Workman—Shri O. P. Mehta.

Food Corporation of India. STATE : Punjab.

AWARD

Dated the 16th July, 1984

The Central Government, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the Industrial Disputes Act, 1947, per their order No. L-42012/10/83D.II(B)/D.IV(B) dated the 24th of the March, 1984 referred the following industrial dispute to this Tribunal for adjudication:—

“Whether the action of the management of Food Corporation of India in relation to Food Corporation of India Depot Hathur, District. Ludhiana in terminating the services of Shri Ashok Kumar, watchman is justified? If not, to what relief is the workman entitled?”

2. During the course of hearing the Management agreed to revoke the petitioner's termination provided he was willing to forgo his claim to back wages. The proposition was accepted by the Workman and, as such, on taking down the statement of his authorised representative and hearing the parties, I hereby return a No dispute Award in the following terms which are fair to both of them; and in particular to the workman who stands ensured of a gainful employment:

1. The impugned order of termination dated 1st September, 1982 stands quashed.

2. As a necessary consequence the petitioner would be reinstated forthwith at his old post on the same terms and conditions of service as were applicable immediately preceding the termination.

3. The intervening period between the aforesaid termination and re-instatement shall be deemed to be a part of continuous service even though he would not be entitled for any wages. To precise, it shall be deemed to have been regularised as of leave without pay.

I. P. VASISHTH, Presiding Officer

[No. L-42012(10)/83-D.II(B)/D.IV(B)/D.V.]

Chandigarh.

16-7-1984

New Delhi, the 21st July, 1984

S.O. 2559.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Bombay in industrial dispute between the employers in relation to the management of Mahakali Colliery of WCL and their workmen which was received by the Central Government on 11th July, 1984.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL No. 1 AT BOMBAY

Reference No. CGIT-3 of 1983

PARTIES:

Employers in relation to Mahakali Colliery of M/s.  
Western Coalfields Limited

AND

Their Workmen

APPEARANCES:

For the employer—Mr. P. Sadasivan Nair, Advocate

For the union—Mr. S. R. Pendre, General Secretary

INDUSTRY : Coal & Mines

STATE : Maharashtra

CAMP : Nagpur

Nagpur, the 16th day of April, 1984

AWARD

The Government of India, Ministry of Labour & Rehabilitation (Department of Labour) by order No. L-22011/15/82-D.III(B), dated 5th August, 1983, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), have referred to Tribunal for adjudication and industrial disputes between the employers in relation to the management of Mahakali Colliery of M/s. Western Coalfields Limited and their workman in respect of the matters specified in the schedule mentioned below:—

SCHEDULE

“Whether the management of Mahakali Colliery of M/s. Western Coalfields Limited, sub-Area No. 3, Chandrapur is justified in terminating the services of Shri Ergurala Raja, Loader w.e.f. 18-5-81? If not, to what relief the workman is entitled to?”

2. The following was agreed between the parties. That the management of Western Coalfields Ltd., agrees to take back the workman Ergurala Raja, Loader. The workman would be paid Rs. 3000 ex-gratia payment. He foregoes all other claim against the management. The workman would be deemed to be in continuous service from the date his service is terminated till the date of his joining. The intervening period is being treated as extraordinary leave without pay. All other benefits to continuity would be available to the workman except increments. The amount of Rs. 3000 will have to be paid to the workman within 45 days of his joining.

3. Award accordingly. No order as to costs.

R.D. TULPULÉ, Presiding Officer

[No. L-22011(15)/82-D.III(B)/D. V.]

S. S. MEHTA, Desk Officer